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सं. 13]

नई दिल्ली, मार्च 25-मार्च 31, 2007, शनिवार/चैत्र 4-चैत्र 10, 1929

No. 13]

NEW DELHI, MARCH 25—MARCH 31, 2007, SATURDAY/CHAITRA 4—CHAITRA 10, 1929

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(आर्थिक कार्य विभाग)
(बैंकिंग प्रभाग)

नई दिल्ली, 19 मार्च, 2007

का. आ. 891.—भारतीय स्टेट बैंक (समनुषंगी बैंक) अधिनियम 1959 (1959 का 38) की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (गख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा श्री डी. एस. नागराज, उपाध्यक्ष, अनुषंगी बैंक अधिकारी संघ : इकाई स्टेट बैंक ऑफ मैसूर को अधि सूचना की तारीख से 3 वर्ष की अवधि के लिए या उनका उत्तराधिकारी नामित किए जाने तक या उनके द्वारा स्टेट बैंक ऑफ मैसूर का अधिकारी पद छोड़ने तक, जो भी पहले हो, स्टेट बैंक ऑफ मैसूर के निदेशक बोर्ड में अधिकारी कर्मचारी निदेशक के रूप में नामित करती है, बशर्ते वे छः वर्ष से अधिक की अवधि तक लगातार पद धारण नहीं करेंगे।

[फा. सं. 8/7/2006-बी ओ-1]
जी. बी. सिंह, अवर सचिव

MINISTRY OF FINANCE
(Department of Economic Affairs)
(Banking Division)

New Delhi, the 19th March, 2007

S.O. 891.—In exercise of the powers conferred by clause (cb) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959 (38 of 1959), the Central Government, after consultation with the Reserve Bank, of India, hereby nominates Shri D. S. Nagaraj, Vice-Chairman, Associate Banks Officers' Association : Unit State Bank of Mysore as Officer Employee Director on the Board of Directors of State Bank of Mysore, for a period of three years from the date of notification or until his successor has been nominated or until he ceases to be an officer of the State bank of Mysore, whichever is earlier, provided that he shall not hold office continuously for a period exceeding six years.

[F.No. 8/7/2006-BO-I]
G. B. SINGH, Dy. Secy.

नई दिल्ली, 20 मार्च, 2007

का. आ. 892.—भारतीय स्टेट बैंक (समनुषंगी बैंक) अधिनियम 1959 की धारा 26 की उपधारा (2क) के साथ पठित धारा 25 की उपधारा (1) के खण्ड (गक) के अनुसरण में, केन्द्रीय सरकार, एतद्वारा श्री सुशील गौतम, विशेष सहायक, स्टेट बैंक ऑफ पटियाला, क्षेत्रीय कार्यालय, पटियाला को स्टेट बैंक ऑफ पटियाला के बोर्ड में निदेशक के रूप में नियुक्त करती है। वह अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा विधिवत रूप से उनके उत्तराधिकारी के नियुक्त होने तक अथवा उनके स्टेट बैंक ऑफ पटियाला के कर्मकार कर्मचारी बने रहने तक, जो भी पहले हो, पद पर बने रहेंगे।

[फा. सं. 15/7/2006-आई आर]

रमेश चन्द, अवर सचिव

New Delhi, the 20th March, 2007

S.O. 892.—In pursuance of clause (ca) of sub-section (1) of Section 25 read with sub-section (2A) of Section 26 of the State Bank of India (Subsidiary Banks) Act, 1959, the Central Government hereby appoints Shri Sushil Gautam, Special Assistant, State Bank of Patiala, Zonal Office, Patiala, as a Director on the Board of Directors of State Bank of Patiala. He will hold office for a period of three years from the date of his appointment and thereafter until his successor is appointed or till he ceases to be a workmen employee of State Bank of Patiala or until further orders, whichever is earlier.

[F.No. 15/7/2006-IR]

RAMESH CHAND, Under Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार विभाग)

नई दिल्ली, 19 मार्च, 2007

का.आ. 893.—केन्द्र सरकार ने भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (क) के अनुसरण में और मेघालय सरकार से परामर्श करने के बाद डा. जॉन एस. सेलो इस अधिसूचना के जारी होने की तारीख से पांच वर्षों की अवधि के लिए भारतीय आयुर्विज्ञान परिषद् के सदस्यों के रूप में मनोनीत किया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का.आ. 138 में निम्नलिखित और संशोधन करती है अर्थात् :-

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ङ) के अधीन मनोनीत” शीर्षक के अंतर्गत क्रम संख्या 18 और उससे संबंधित प्रविष्टियों के स्थान पर निम्नलिखित क्रम संख्या और

प्रविष्टियां प्रतिस्थापित की जाएंगी, अर्थात् :-

“18. डा. जॉन एस सेलो मेघालय सरकार”

निदेशक,
बेथानी हास्पिटल,
नानग्रिम हिल्स,
शिलांग

[सं. बी-11013/9/2006-एम ई (नीति-1)]

टी. जे. एस. चावला, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

New Delhi, the 19th March, 2007

S.O. 893.—Whereas the Central Government, in pursuance of clause (a) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Meghalaya have nominated Dr. John S. Sailo to be a member of the Medical Council of India for a period of five years with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1)(a) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health number S. O. 138, dated the 9th January, 1960, namely :

In the said notification, under the heading, ‘Nominated under clause (a) of sub-section (1) of Section 3’, for serial number 18 and the entries thereto, the following serial number and entries shall be substituted, namely :—

“18. Dr. John S. Sailo, Government of Meghalaya”

Director,
Bethany Hospital,
Nongrim Hills,
Shillong.

[No. V-11013/9/2006-ME (Policy-I)]

T. J. S. CHAWLA, Under Secy.

नई दिल्ली, 19 मार्च, 2007

का. आ. 894.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खण्ड (ग) के उपबंध के अनुसरण में बिहार के पंजीकृत चिकित्सा स्नातक निर्वाचन क्षेत्र में निर्वाचन करवाया है जहां से डा. नरेन्द्र प्रसाद एम एस (पटना), 6, डाक्टर कालोनी कंकड़बाग, पटना को इस अधिसूचना के जारी होने की तारीख से भारतीय आयुर्विज्ञान परिषद् के एक सदस्य के रूप में सर्वसम्मति से निर्वाचित किया गया है।

अतः, अब, उक्त अधिनियम की धारा 3 की उपधारा (1) के उपबंध के अनुसरण में, केन्द्र सरकार एतद्वारा भारत सरकार के

तत्कालीन स्वास्थ्य मंत्रालय की दिनांक 9 जनवरी, 1960 की अधिसूचना संख्या का. आ. 138 में निम्नलिखित और संशोधन करती है अर्थात् :—

उक्त अधिसूचना में “धारा 3 की उपधारा (1) के खण्ड (ग) के अधीन निर्वाचित” शीर्षक के अंतर्गत क्रम संख्या 10 के सामने निम्नलिखित प्रविष्टियाँ प्रतिस्थापित की जाएंगी, अर्थात् :—

“10. डा. नरेन्द्र प्रसाद

एम.एस. (पटना),
6, डाक्टर्स कालोनी,
कंकड़बाग,
पटना”

[सं. वी-11013/7/2006-एम ई (नीति-1)]

टी. जे. एस. चावला, अवर सचिव

New Delhi, the 19th March, 2007

S. O. 894.—Whereas the Central Government in pursuance of clause (c) of sub-section (1) of Section 3 of the Indian Medical Council Act, 1956 (102 of 1956) has conducted the election from the Registered Medical Graduate Constituency of Bihar wherefrom Dr. Narendra Prasad, MS (Patna), 6, Doctors Colony, Kankerbagh, Patna has been elected to be a member of the Medical Council of India with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the then Ministry of Health number S. O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading, ‘Elected under clause (c) of sub-section (1) of Section 3’, for the serial No. 10 and the entries relating thereto the following serial number and entries shall be substituted, namely :—

10. Dr. Narendra Prasad,
MS (Patna),
6, Doctors Colony,
Kankerbagh
Patna”

[No. V-11013/7/2006-ME(Policy-D)]

T. J. S. CHAWLA, Under Secy.

पोत परिवहन, सड़क परिवहन और राजमार्ग मंत्रालय

(पोत परिवहन विभाग)

नई दिल्ली, 16 मार्च, 2007

का.आ. 895.—केन्द्रीय दीपस्तंभ-सलाहकार समिति (प्रक्रियात्मक) नियमावली, 1976 के नियम 3 के साथ पठित दीपस्तंभ-अधिनियम, 1927 (वर्ष 1927 के अधिनियम सं. 17) की धारा 4 की उपधारा (1) के अनुसरण में, केन्द्रीय सरकार, इस मंत्रालय की दिनांक 16 मई, 2005 की अधिसूचना सं. एल एच-11016/1/2005-एस एल में, एतद्वारा, निम्नलिखित संशोधन करती है।

2. “केन्द्रीय दीपस्तंभ-सलाहकार समिति का कार्यकाल, 19 फरवरी, 2007 से आगे 06 महीने तक की अवधि तक और या नई समिति को पुनर्गठित कर दिए जाने तक में से जो भी पहले हो, तब तक बढ़ा दिया जाता है”।

[फा. सं. एल एच-11016/1/2005-एस एल]

वी. प्री. राणा, अवर सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT
AND HIGHWAYS

(Department of Shipping)

New Delhi, the 16th March, 2007

S.O. 895.—In pursuance of sub-section (1) of Section 4 of the Lighthouse Act, 1927 (No. 17 of 1927) read with Rule 3 of the Central Advisory Committee for Lighthouses (Procedural) Rules, 1976, the Central Government hereby makes the following amendments in this Ministry's Notification No. LH-11016/1/2005-SL dated 16th May, 2005.

2. “The tenure of the Central Advisory Committee for Lighthouses (CACL) is extended for a further period of 6 months, w.e.f. 19th February, 2007 or till a new Committee is reconstituted, whichever is earlier”.

[F.No. LH-11016/1/2005-SL]

V. P. RANA, Under Secy.

कृषि मंत्रालय

(कृषि अनुसंधान तथा शिक्षा विभाग)

नई दिल्ली, 21 मार्च, 2007

का. आ. 896.—केन्द्रीय सरकार, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली 1976 के नियम 10 के उप नियम (4) के अनुसरण में एतद्वारा भारतीय कृषि अनुसंधान परिषद् के राष्ट्रीय पटसन एवं समवर्गी रेशा प्रौद्योगिकी अनुसंधान संस्थान, कोलकाता जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. 13-2/2002-हिंदी]

देवेन्द्र कुमार छतवाल, अवर सचिव

MINISTRY OF AGRICULTURE

(Department of Agricultural Research and Education)

New Delhi, the 21st March, 2007

S.O. 896.—In pursuance of sub-Rule (4) of Rule 10 of the Official Language (use for Official Purpose of the Union) Rules 1976, the Central Government, Ministry of Agriculture, Department of Agricultural Research & Education hereby notifies the National Institute of Research on Jute and Allied Fibre Technology, Kolkata of the Indian Council of Agricultural Research where the percentage of Hindi knowing staff has gone above 80%.

[F.No. 13-2/2002-Hindi]

D.K. CHHATWAL, Under Secy.

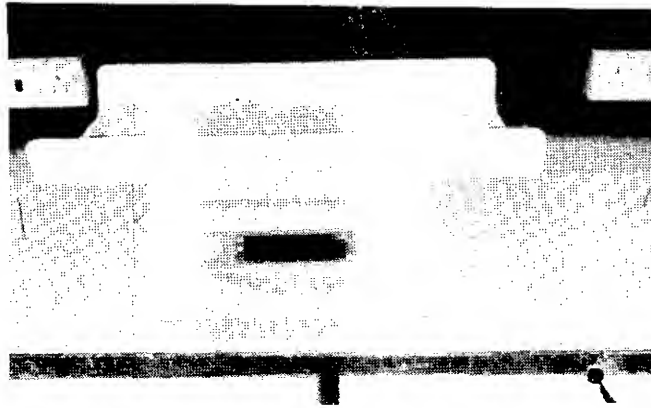
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 9 फरवरी, 2007

का.आ. 897.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इन्स्ट्रूमेंट प्रा. लि., डब्ल्यू-345, टी टी सी इण्ड. एरिया, राबेल, नवी मुंबई-400701 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “बी डब्ल्यू” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (बेबी वेइंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम “एल्डर” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/23 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित बेबी वेइंग मशीन) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 मि. ग्रा. तक “ई” मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-6} , 2×10^{-6} या 5×10^{-6} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(07)/2007]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

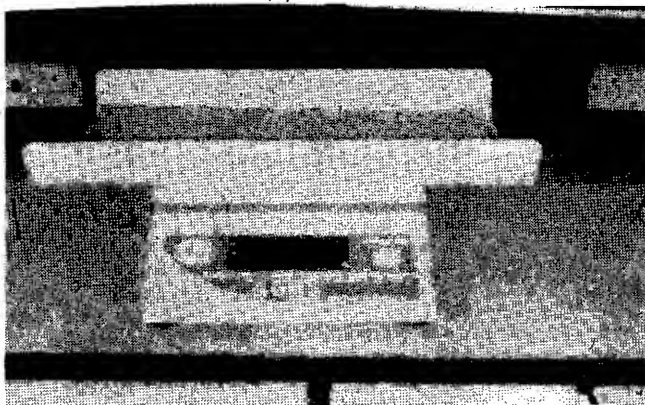
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

New Delhi, the 9th February, 2007

S.O. 897.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (baby weighing type) weighing instrument with digital indication of "BW" series of medium accuracy (Accuracy class III) and with brand name "ELDER" (herein referred to as the said model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, TTC Ind. Area, Rabale Navi Mumbai-400 701 and which is assigned the approval mark IND/09/07/23;



The said model is a strain gauge type load cell based non-automatic weighing instrument (baby weighing type) with a maximum capacity of 20 kg. and minimum capacity of 200 g. The verification scale interval (e) is 10g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make accuracy and performance of the same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

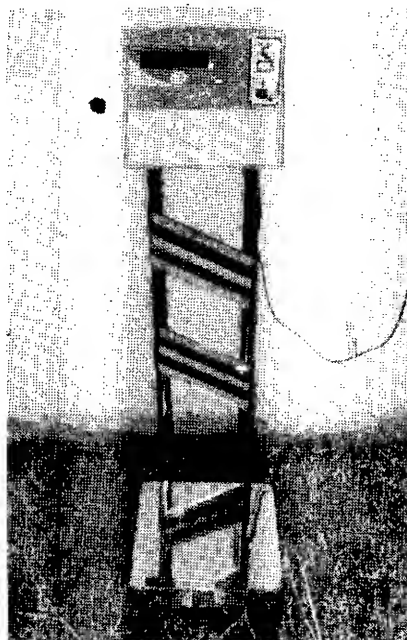
[F. No. WM-21(07)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 फरवरी, 2007

का.आ. 898.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एल्डर इन्स्ट्रूमेंट प्रा. लि., डब्ल्यू-345, टी टी सी इण्ड. एरिया, राबेल, नवी मुंबई-400701 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "पी डब्ल्यू" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (सिक्का प्रचालित व्यक्ति तोलन मशीन) के मॉडल का, जिसके ब्रांड का नाम "एल्डर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/24 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 150 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 100 कि. ग्रा. से 200 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(07)/2007]

आर. माथुरबूथम, निदेशक, विधिक. माप विज्ञान

New Delhi, the 9th February, 2007

S.O. 898.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (here in after referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with digital indication. (Coin Operated Person Weighing Machine) of medium accuracy (Accuracy class-III) belonging to 'PW' series with brand name "ELDER" (herein referred to as the said model), manufactured by M/s. Elder Instruments Pvt. Ltd., W-345, TTC Ind. Area, Rabale, Navi Mumbai-400 701 and which is assigned the approval mark IND/09/07/24;



The said model is a strain gauge type load cell based weighing instrument with the maximum capacity of 150 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with 100 percent subtractive retained tare effect. The display is of Light Emitting Diode (LED) type. The Instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make accuracy and performance of the same series with maximum capacity in the range of 100kg to 200kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

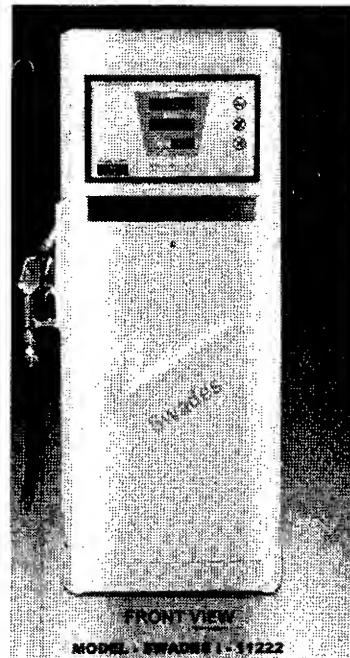
[F. No. WM-21(07)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 21 फरवरी, 2007

का.आ. 899.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट माप मानक अधिनियम, 1976 (1976 का 60) और बाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐपलेब लिमिटेड, ऐपलेब हाऊस, ए/5, वागले इण्डस्ट्रीयल एस्टेट, ठाणे-400604, महाराष्ट्र द्वारा विनिर्मित '11222' शृंखला के अंकक सूचक सहित, डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम "स्वेदेस-I" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/466 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल अंकक सूचक वाला एक डिस्पेंसिंग पम्प (बहु पेट्रोलियम उत्पाद डिस्पेंसिंग यूनिट) है जिसमें पिस्टन प्रकार का पोजिटिव डिस्पलेसमेंट मीटर और वेट होज प्रणाली लगी हुई है। इसमें लिक्वूड क्रिस्टल प्रदर्श उपदर्शित होता है। इसका न्यूनतम डिविजन 10 मि.ली. है। इसका अधिकतम फ्लो दर 70 लि. प्रति मिनट और न्यूनतम फ्लो दर 4 ली. प्रति मिनट है। इसमें एक इलैक्ट्रो-मेकेनिकल टोटलाइजर लगा है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है। इसमें यूनिट के जरिए डिस्पेंस की गई मात्रा या मूल्य को प्रदर्शित करने के लिए प्रिंटेड उपकरण लगा हुआ है। डिस्चार्ज होज पाइप की लम्बाई 5 मीटर से कम है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को विक्री के पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में परिवर्तन न किया जा सके।

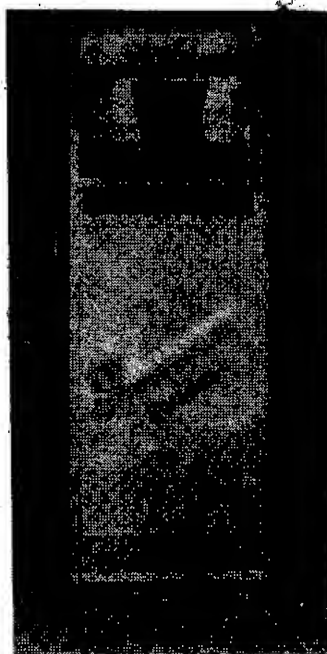
[फा. सं. डब्ल्यू एम 21(172)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st February, 2007

S.O. 899.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Dispensing Pump of digital indication with brand name "SWADES-I" of series "11222" (hereinafter referred to as the said Model), manufactured by M/s. Aplab Limited, Aplab House, A/5, Wagle Industrial Estate, Thane-400 604, Maharashtra and which is assigned the approval mark IND/09/06/466;



The said Model is a Dispensing Pump (multi petroleum products dispensing unit) of digital indication having piston type positive displacement meter and wet-hose system. It has Liquid Crystal Display (LCD) display. Its smallest division is 10 ml. The maximum flow rate is 70 litre per minute and minimum flow rate is 4 litre per minute. It has a Electromechanical totalizer. It operates on 230 Volts, and 50 Hertz alternative current power supply. It has preset device for indication of price or volume dispensed through the unit. The length of discharge hose pipe is less than 5 metres.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

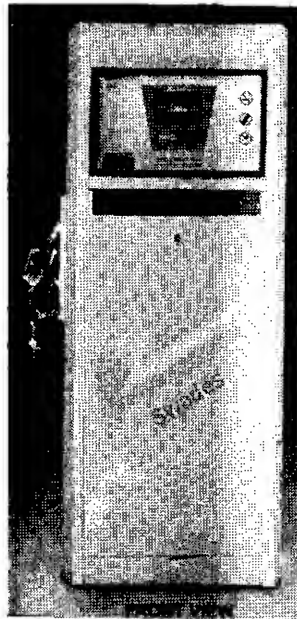
[F. No. WM-21(172)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 21 फरवरी, 2007

का.आ. 900.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐपलेब लिमिटेड, ऐपलेब हाऊस, ए/5, वागले इण्डस्ट्रीयल एस्टेट, ठाणे-400604, माहाराष्ट्र द्वारा विनिर्मित '11221' शृंखला के अंकक सूचन सहित, डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम "स्वेदेस-1" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/467 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल अंकक सूचक वाला एक डिस्पेंसिंग पम्प (बहु पेट्रोलियम उत्पाद डिस्पेंसिंग यूनिट) है जिसमें पिस्टन प्रकार का पोजिटिव डिस्पलेसमेंट मीटर और वेट होज प्रणाली लगी हुई है। इसमें लिक्वूड क्रिस्टल प्रदर्श उपदर्शित होता है। इसका न्यूनतम डिविजन 10 मि.ली. है। इसका अधिकतम फ्लो दर 45 लि. प्रति मिनट और न्यूनतम फ्लो दर 4 लि. प्रति मिनट है। इसमें एक इलैक्ट्रो-मेकेनिकल टोटलाइजर लगा है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है। इसमें यूनिट के जरिए डिस्पेंस की गई मात्रा या मूल्य को प्रदर्शित करने के लिए प्रिंटेड उपकरण लगा हुआ है। डिस्चार्ज होज पाइप की लम्बाई 5 मीटर से कम है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को बिक्री से पूर्व या उपरांत इसके सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में परिवर्तन न किया जा सके।

[फा. सं. डब्ल्यू एम 21(172)/2006]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st February, 2007

S.O. 900.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Dispensing Pump of digital indication with brand name "SWADES-I" of series "11221" (hereinafter referred to as the said model), manufactured by M/s. Aplab Limited, Aplab House, A/5, Wagle Industrial Estate, Thane 400 604, Maharashtra and which is assigned the approval mark IND/09/06/467;

The said model is a Dispensing Pump (multi petroleum products dispensing unit) of digital indication having piston type positive displacement meter and wet-hose system. It has Liquid Crystal Display (LCD) display. Its smallest division is 10 ml. The maximum flow rate is 45 litre per minute and minimum flow rate is 4 litre per minute. It has a Electromechanical totalizer. It operates on 230 Volts, and 50 Hertz alternative current power supply. It has preset device for indication of price or volume dispensed through the unit. The length of discharge hose pipe is less than 5 metres.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

[F. No. WM-21(172)/2006]

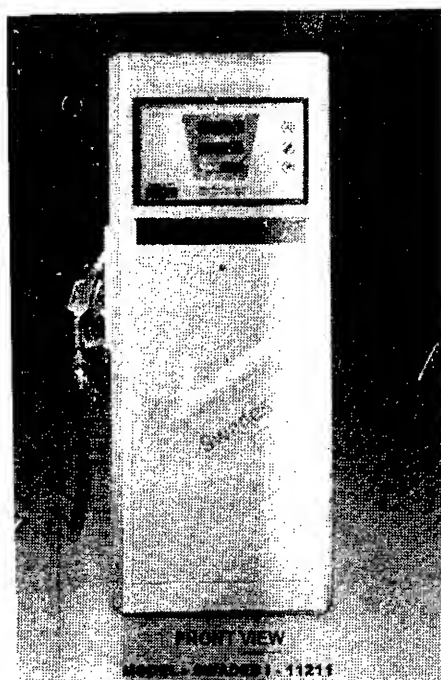
R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 21 फरवरी, 2007

का.आ. 901.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट तथा माप मानक अधिनियम, 1976 (1976 का 60) और वाट तथा माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐपलेब लिमिटेड, ऐपलेब हाऊस, ए/5, वागले इण्डस्ट्रीयल एस्टेट, ठाणे-400604, महाराष्ट्र द्वारा विनिर्मित '11211' शृंखला के अंकक सूचक सहित, डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम "स्वेदेस-I" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/468 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल अंकक सूचक वाला एक डिस्पेंसिंग पम्प (बहु पेट्रोलियम उत्पाद डिस्पेंसिंग यूनिट) है जिसमें पिस्टन प्रकार का पोजिटिव डिस्प्लेसमेंट मीटर और वेट होज प्रणाली लगी हुई है। इसमें लिक्वुड क्रिस्टल प्रदर्श उपदर्शित होता है। इसका न्यूनतम डिविजन 10 मि.ली. है। इसका अधिकतम फ्लो दर 45 लि. प्रति मिनट और न्यूनतम फ्लो दर 4 ली. प्रति मिनट है। इसमें एक मैकेनिकल टोटलाइजर लगा है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत पर कार्य करता है। इसमें यूनिट के जरिए डिस्पेंस की गई मात्रा या मूल्य को प्रदर्शित करने के लिए प्रिंसेट उपकरण लगा हुआ है।



स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा और मॉडल को विक्री से पूर्व या उपरांत इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

[फा. सं. डब्ल्यू एम 21(172)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st February, 2007

S.O. 901.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Dispensing Pump of digital indication with brand name "SWADES-I" of series "11211" (hereinafter referred to as the said Model), manufactured by M/s. Aplab Limited, Aplab House, A/5, Wagle Industrial Estate, Thane 400 604, Maharashtra and which is assigned the approval mark IND/09/06/468;

The said model is a Dispensing Pump (multi petroleum products dispensing unit) of digital indication having piston type positive displacement meter and wet-hose system. It has Liquid Crystal Display (LCD) display. Its smallest division is 10 ml. The maximum flow rate is 45 litre per minute and minimum flow rate is 4 litre per minute. It has a mechanical totalizer. It operates on 230 Volts, and 50 Hertz alternative current power supply. It has present device for indication of price or volume dispensed through the unit. The length of discharge hose pipe is less than 5 meters.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

[F. No. WM-21(172)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 21 फरवरी, 2007

का.आ. 902.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ऐपलेब लिमिटेड, ऐपलेब हाऊस, ए/5, वागले इण्डस्ट्रीयल एस्टेट, ठाणे-400604, महाराष्ट्र द्वारा विनिर्मित '11212' शृंखला के अंकक सूचन सहित, डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम "स्वेदेस-1" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/469 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल अंकक सूचक वाला एक डिस्पेंसिंग पम्प (बहु पेट्रोलियम उत्पाद डिस्पेंसिंग यूनिट) है जिसमें पिस्टन प्रकार का पोजिटिव डिस्पलेमेंट मीटर और चेट होज प्रणाली लगी हुई है। इसमें लिक्वूड क्रिस्टल प्रदर्श उपदर्शित होता है। इसका न्यूनतम डिविजन 10 मि.ली. है। इसका अधिकतम फ्लो दर 70 लि. प्रति मिनट और न्यूनतम फ्लो दर 4 ली. प्रति मिनट है। इसमें एक मैकेनिकल टोटलाइजर लगा है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। इसमें यूनिट के जरिए डिस्पेंस की गई मात्रा या मूल्य को प्रदर्शित करने के लिए प्रिन्ट उपकरण लगा हुआ है। डिस्चार्ज होज पाइप की लम्बाई 5 मीटर से कम है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्ध किया जाएगा और मॉडल को बिक्री से पूर्व या उपरांत इसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, वर्किंग सिद्धांत आदि के रूप में कोई परिवर्तन न किया जा सके।

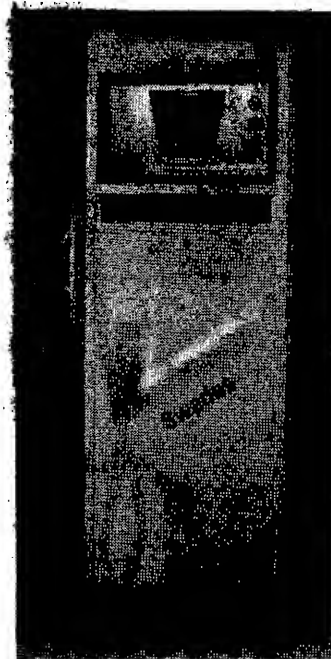
[फा. सं. डब्ल्यू एम 21(172)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st February, 2007

S.O. 902.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of Dispensing Pump of Digital indication with brand name "SWADES-I" of series "11212" (hereinafter referred to as the said Model), manufactured by M/s. Aplab Limited, Aplab House, A/5, Wagle Industrial Estate, Thane 400 604, Maharashtra and which is assigned the approval mark IND/09/06/469;



The said Model is a Dispensing Pump (multi petroleum products dispensing unit) of digital indication having piston type positive displacement meter and wet-hose system. It has Liquid Crystal Display (LCD) display. Its smallest division is 10 ml. The maximum flow rate is 70 litre per minute and minimum flow rate is 4 litre per minute. It has a mechanical totalizer. It operates on 230 Volts, and 50 Hertz alternative current power supply. It has preset device for indication of price or volume dispensed through the unit. The length of discharge hose pipe is less than 5 metres.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and Model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

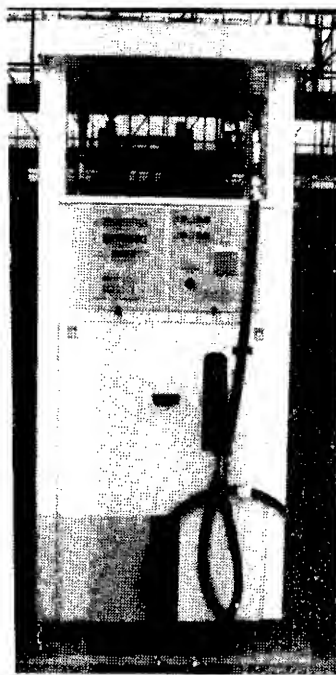
[F. No. WM-21(172)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 21 फरवरी, 2007

का.आ. 903.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मिडको लिमिटेड, मेट्रो एस्टेट, विधाननगरी मार्ग, कलीना मुम्बई-400 098 द्वारा विनिर्मित “एम एम एस सुपर हैवी ड्यूटी” श्रृंखला के अंकक सूचन सहित, इलैक्ट्रो डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्रांड का नाम “मिडको” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/36 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है ।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि को शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा ।

उक्त मॉडल एक इलैक्ट्रॉनिक डिस्पेंसिंग पम्प है जिसमें दो पिस्टन हैं जो पेट्रोलियम उत्पादों को मापने के लिए लिनियर मोशन को रोटरी मोशन में परिवर्तित करते हैं । एल ई डी प्रदर्शक तोलन परिणाम उपदर्शित करता है । इसका प्रवाह दर 120 एल पी एम से 140 एल पी एम है । इसकी अधिकायत आयतन प्रदर्शक क्षमता 9999.99 लीटर है और न्यूनतम प्रभाग 10 मि. लीटर है । आयत और मूल्य ट्रास मापने के लिए इसमें एक आटोमेटिक रिसेट और प्रीसेट डिवाइस है । उक्त मॉडल में मूल्य प्रदर्शन 6 डिजिट का है ।

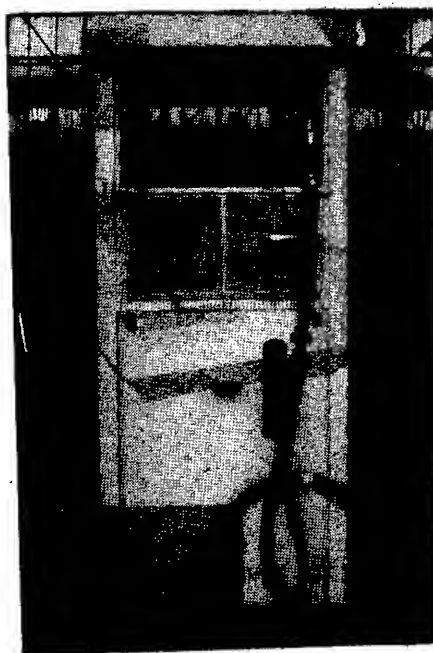
[फा. सं. डब्ल्यू एम 21(08)/2007]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 21st February, 2007

S.O. 903.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Electronic Dispensing Pump of digital indication with brand name "MIDCO" of "MMS SUPER HEAVY DUTY" series (hereinafter referred to as the said Model), manufactured by M/s. MIDCO Limited, Metro Estate, Vidyanagari Marg, Kalina, Mumbai 400 098 and which is assigned the approval mark IND/09/07/36;



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

The said model is an Electronic Dispensing Pump consisting two pistons converting linear motion in to rotary motion to measure the petroleum products. The indication of the measurements are displayed on LED. The flow rate of the instrument is 120 lpm to 140 lpm. Its maximum volume indicating capacity is 9999.99 litres and smallest division is 10 ml. It has automatic reset and preset device by volume and price. The price indicated is of 6 digits.

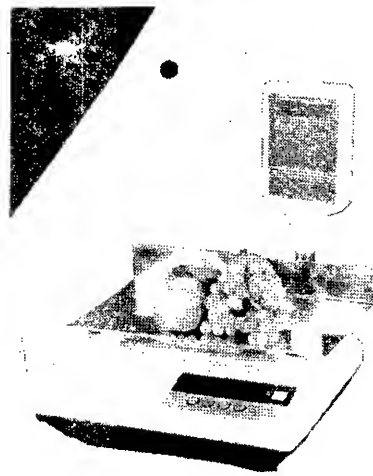
[F. No. WM-21(08)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 फरवरी, 2007

का.आ. 904.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स काँटावाला सिस्टम, 108, सिद्धेश्वर पैठ, डोका काम्पलैक्स, सोलापुर-I, महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "मैट-II" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटैक-आईकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/227 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) का मान 5 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मॉक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

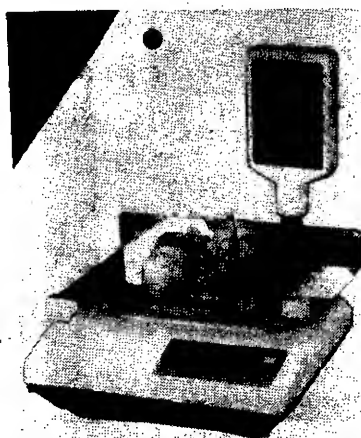
[फा. सं. डब्ल्यू एम 21(18)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd February, 2007

S.O. 904.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table Top type) with digital indication of "MAT-11" series of medium accuracy (accuracy class III) and with brand name "MATTECH-ICON" (herein referred to as the said Model), manufactured by M/s. Katawala Systems, 108, Siddeshwar Peth, Doka Complex, Solapur-I, Maharashtra and which is assigned the approval mark IND/09/06/227;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 5g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, and 50 Hertz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of the same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 10,000 for 'e' value between 100mg to 2g and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and 'e' the value of from 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

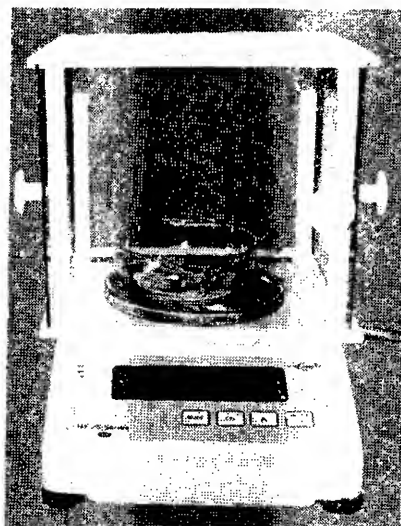
[F. No. WM-21(18)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 फरवरी, 2007

का.आ. 905.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा :

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हैदराबाद तुलामन लिमिटेड, बालानगर टाउनशिप, हैदराबाद-500037 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले “एच टी-जे श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तुलामन” है (जिसे इसमें इसका पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/43 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (इं) का मान 2 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा चिह्नित प्रदाय पर कार्य करता है:

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को विक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक “ई” मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के “ई” मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा.तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^4 , 2×10^4 या 5×10^4 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

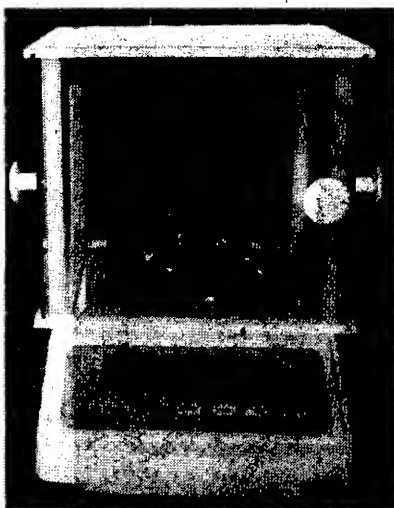
[फा. सं. डब्ल्यू एम 21(218)/2006]

आर. माथुरचूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd February, 2007

S.O. 905.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tabletop Type) with digital indication of "HT-JS" series high accuracy (Accuracy class-II) and with brand name "TULAMAN" (herein referred to as the said Model), manufactured by M/s. Hyderabad Tulaman Limited, Balanagar Township, Hyderabad-500 037 and which is assigned the approval mark IND/09/07/43;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicate the weighing result. The Instrument operates on 230 Volts, and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of the same series with maximum capacity up to 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

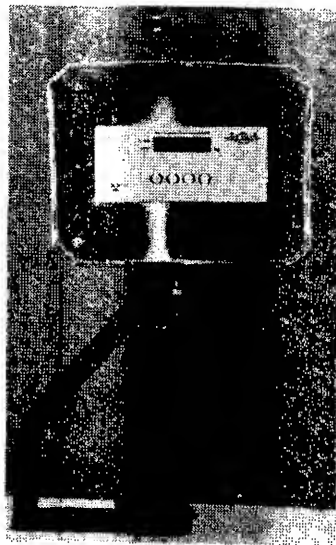
[F. No. WM-21(218)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 फरवरी, 2007

का.आ. 906.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा :

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हैदराबाद तुलामन लिमिटेड, बालानगर टाउनशिप, हैदराबाद-500037 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एच टी-एच एस” शृंखला के अंकक सूचन सहित, स्वतः अस्वचालित तोलन उपकरण (हैंगिंग प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तुलामन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/42 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्राम है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 1 कि.ग्रा. से अधिक 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^6 , 2×10^6 या 5×10^6 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

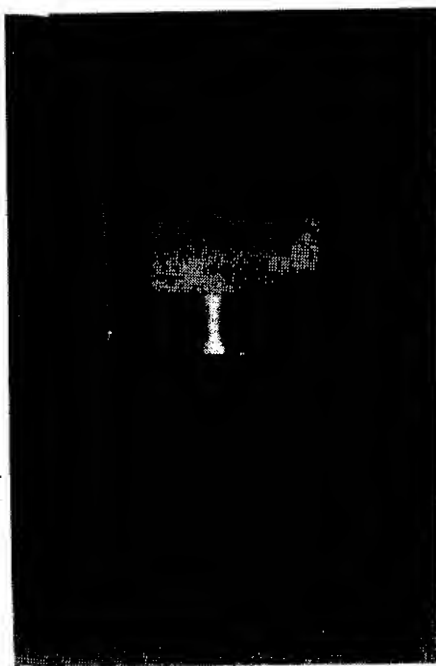
[फा. सं. डब्ल्यू एम 21(218)/2006]

आर. माथुरबूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd February, 2007

S.O. 906.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of of the self indicating non-automatic, (Hanging type) weighing instrument with digital indication of series "HT-HS" of medium accuracy (Accuracy class III) and with brand name "TULAMAN" manufactured by M/s. Hyderabad Tulaman Limited, Balanagar Township, Hyderabad-500 037 and which is assigned the approval mark IND/09/07/42;



The said model is a strain gauge type load cell based weighing instrument with a maximum capacity of 100 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 1kg and up to 500kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

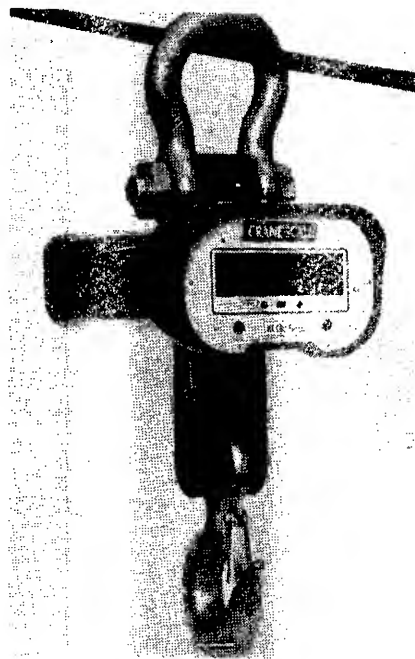
[F. No. WM-21(218)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 फरवरी, 2000

का.आ. 907.—केन्द्रीय सरकार का, विहित अधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात को संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता होगा :

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हैदराबाद तुलामन लिमिटेड, बालानगर टाउनशिप, हैदराबाद-500037 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एच टी सी आरएस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (क्रेन प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तुलामन” है (जिसमें इसमें इसको पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन ई 109/07/41 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल विकृत गेज प्रकार का भार सेल आधारित मध्यम यथार्थता (यथार्थता वर्ग III) का (अस्वचालित क्रेन प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 10 टन और न्यूनतम क्षमता 40 कि.ग्रा. है। सत्यापन मापमान अन्तर्गत (ई) का मान 2 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती भार विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सॉफ्टवेयर डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (11) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 500 कि.ग्रा. से अधिक 50 टन तक अधिकतम क्षमता वाले हैं और “ई” मान 1×10^5 , 2×10^5 या 5×10^5 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(218)/2006]

आर. माथुरब्रथम, निदेशक, विधिक माप विज्ञान



New Delhi, the 23rd February, 2007

S.O. 907.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) (hereinafter referred to as the said Act) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic weighing instrument (Crane type) with digital indication of "HT-CRS" series of medium accuracy (Accuracy class-III) and with brand name "TULAMAN" (hereinafter referred to as the said Model), manufactured by M/s. Hyderabad Tulaman Limited, Balanagar Township, Hyderabad-500 037 and which is assigned the approval mark IND/09/07/41;



The said model is a strain gauge type load cell principle based non-automatic weighing instrument (Crane type) of medium (accuracy class-III) with a maximum capacity of 10 tonne and minimum capacity of 40kg. The verification scale interval (e) is 2kg. It has a tare device with 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result type. The instrument operates on 230 Volts, and 50 Hertz, alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc. before or after sale.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity above 500kg and up to 50 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g of more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

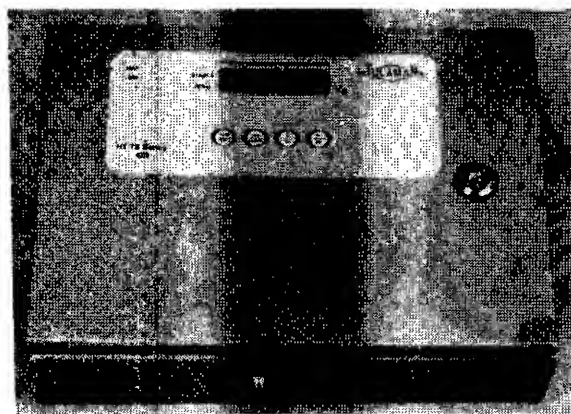
[F. No. WM-21(218)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 23 फरवरी, 2007

का.आ. 908.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स हैदराबाद तुलामन लिमिटेड, बालानगर टाउनशिप, हैदराबाद-500037 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले “एच टी-टी एस” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (इलैक्ट्रॉनिक टैंक हापर/सीलों वेईंग स्केल प्रकार) के मॉडल का, जिसके ब्रांड का नाम “तुलामन” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/40 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित का (अस्वचालित इलैक्ट्रॉनिक टैंक वेईंग हापर/सीलों स्केल प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 2,5000 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 कि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्टज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 500 कि.ग्रा. से अधिक और 100 टन तक अधिकतम क्षमता वाले हैं और “ई” मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

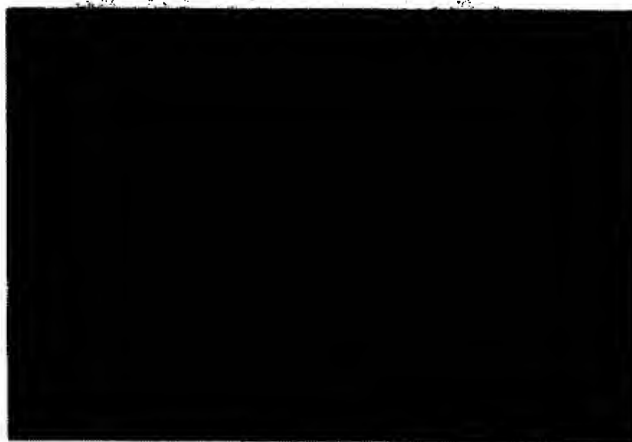
[फा. सं. डब्ल्यू एम 21(218)/2006]

आर. माधुरवूथम, निदेशक, विधिक माप विज्ञान

New Delhi, the 23rd February, 2007

S.O. 908.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Tank/Hopper/Silo Weighing type) with digital indication of "HT-TS" series medium accuracy (Accuracy class-III) and with brand name "TULAMAN" (herein referred to as the said Model), manufactured by M/s. Hyderabad Tulaman Limited, Balanagar Township, Hyderabad-500 037 and which is assigned the approval mark IND/09/07/40;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tank/Hopper/Silo weighing type) with a maximum capacity of 25000kg. The verification scale interval 'e' is 10kg. The light emitting diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply. In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity between 500kg and upto 100 tonne and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of the form 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

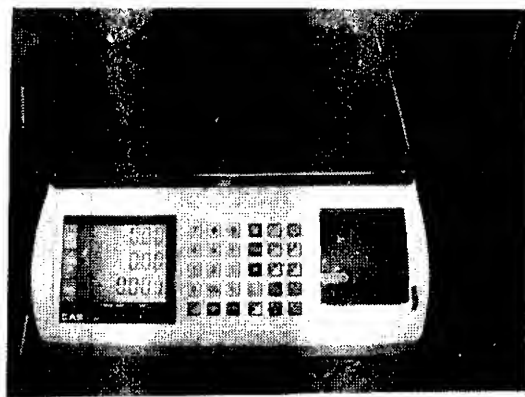
[F. No. WM-21(218)/2006]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 9 मार्च, 2007

का.आ. 909.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कैस वेइंग इंडिया प्रा. लि., 568, उद्योग विहार, फेज-5, गुडगांव, हरियाणा-122016 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "पी ओ स्केल" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "कैस" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/69 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित (अस्वचालित टेबलटाप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 50 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। लिक्विड क्रिस्टल डायोड (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेट्र. यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो विनिर्मित उसी शृंखला के वैसे ही मेट्र. यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^3 , 2×10^3 या 5×10^3 , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम 21(13)/2007]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 9th March, 2007

S.O. 909.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standard of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "POScale" series of high accuracy (Accuracy class-II) and with brand name "CAS" (herein referred to as the said Model), manufactured by M/s. CAS Weighing India Pvt. Ltd. 568, Udyog Vihar, Phase-V, Gurgaon, Haryana-122016 and which is assigned the approval mark IND/09/07/69;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Tabletop Type) with a maximum capacity of 30kg and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Diode (LCD) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity 50kg and with number of verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(13)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

नई दिल्ली, 13 मार्च, 2007

का.आ. 910.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा :

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स राजस्थान मेटल स्मेल्टिंग कं., डी-80, रोड नं.7, बी के आई एरिया, जयपुर 302013, राजस्थान द्वारा विनिर्मित साधारण यथार्थता (यथार्थता वर्ग-IV) वाले “आर एम” शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबुलर बैलेंस-मैकेनिकल टाइप) के मॉडल का, जिसके ब्रांड का नाम “आर एम एस सी ओ” है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/07/88 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;



उक्त मॉडल सिंग आधारित तोलन उपकरण है जिसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अंतराल (ई) 100 ग्रा. है। माप के परिणाम डायल द्वारा उपदर्शित हैं।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को बिक्री से पहले या बाद में उसकी सामग्री, यथार्थता, डिजाइन, सर्किट डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित नहीं किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के “ई” मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और “ई” मान 1×10^{-3} , 2×10^{-3} या 5×10^{-3} , के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

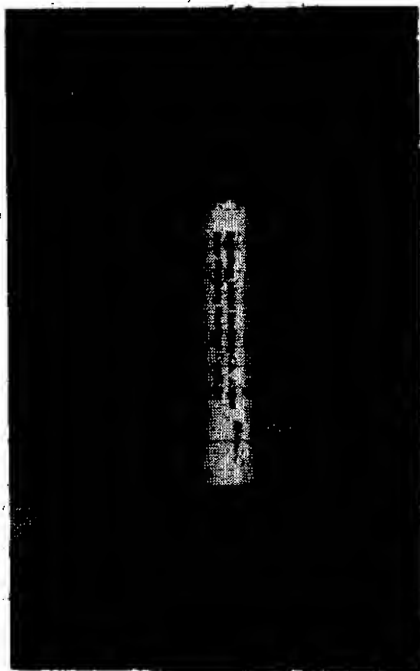
[फा. सं. डब्ल्यू एम 21(14)/2007]

आर. माथुरबूधम, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th March, 2007

S.O. 910.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standard of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument with analogue indication (Tabular Balance-Mechanical Type) of "RM" series of ordinary accuracy (Accuracy class-IV) and with brand name "RMSCO" (hereinafter referred to as the said Model), manufactured by M/s. Rajasthan Metal Smelting Co., D-80, Road No. 7, VKI Area, Jaipur-302013, Rajasthan and which is assigned the approval mark IND/09/07/88;



The said model is a spring based weighing instrument with a maximum capacity of 15kg and minimum capacity of 1kg. The verification scale interval (e) is 100g. The result of measurement is indicated by a dial.

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle, etc. before or after sale.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50kg and with number of verification scale interval (n) in the range of 100 to 1000 for 'e' value of 5g or more and with 'e' value of 1×10^k , 2×10^k or 5×10^k , k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(14)/2007]

R. MATHURBOOTHAM, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 13 मार्च, 2007

का.आ. 911.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	875 (भाग 2) : 1987	1, दिसम्बर, 2006	31 दिसम्बर, 2006
2.	875 (भाग 5) : 1987	1, दिसम्बर, 2006	31 दिसम्बर, 2006

इस संशोधन की प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं ।

[सं. सीईडी/राजपत्र]

ए. के. सैनी, वैज्ञानिक 'एफ' एवं प्रमुख (सिविल इंजीनियरी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13th March, 2007

S.O. 911.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
1	2	3	4
1.	875 (Part 2) : 1987	No. 1, December, 2006	31 December, 2006
2.	875 (Part 5) : 1987	No. 1, December, 2006	31 December, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED/Gazette]

A. K. SAINI, Scientist 'F' & Head (Civil Engg.)

नई दिल्ली, 13 मार्च, 2007

का.आ. 912.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 6094 (भाग 4) : 2006/आईएसओ 4029 :2003 षटकोणी सॉकेट सेट पेंच-भाग 4 कप प्वाइंट वाले (तीसरा पुनरीक्षण)	—	दिसम्बर, 2006

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. पीजीडी/जी-3.5]

पी. सी. जोशी, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 13th March, 2007

S.O. 912.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
1	2	3	4
1.	IS 6094 (Part 4): 2006/ISO 4029:2003 Hexagon socket set screws—Part 4 With cup point (Third Revision)	—	December, 2006

Copy of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. PGD/G-3.5]

P. G. JOSHI, Scientist 'E' & Head (PGD)

नई दिल्ली, 16 मार्च, 2007

का.आ. 913.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988, के विनियम 4 के उप विनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिनके विवरण नीचे अनुसूची में दिए गए हैं को लाइसेंस प्रदान किए गए हैं :

अनुसूची

क्रम सं.	लाइसेंस संख्या	वैधता	पार्टी का नाम एवं पता (कारखाना)	उत्पाद	आई एस सं./भाग/खण्ड वर्ष
1	2	3	4	5	6
1.	7706479	07-02-2008	टेक्नोफ्लेक्स केबल्स, इ/1, सिंगते कम्पाउंड, कोकनीपाडा, दहिसर (पूर्व), मुम्बई-400068	1100 वो तक एवं सहित कार्यकारी वोल्तता के लिए पीवीसी रोधित केबल	694:1990
2.	7702875	01-02-2008	प्रिंसीजन इंजीनियरिंग वर्क्स, यूनिट संख्या 51, 28 और 29 ए से झेड तक इंडस्ट्रियल इस्टेट, जी के मार्ग, लोअर परेल, मुम्बई-400013	खुले कुएं के लिए निमज्जय पम्पसेट	14220:1994

1	2	3	4	5	6
3.	7709687	14-02-2008	अपार इण्डस्ट्रीज लिमिटेड, प्लॉट सं. 18, टी टी सी, एम आय डी सी इण्डस्ट्रीयल एरिया, धाने बेलापूर रोड, रवाले, थाने-400701	निरोधकारी विद्युत्तरोधन खनिज तेल	12463:1988
4.	7712272	25-02-2008	पुखराज इण्डस्ट्रीज, 4, मदानी इस्टेट, फेमस टिंबर हाऊस के पीछे, मुलुंड गोरेगांव लिंक रोड, सोनापुर, भांडुप (पश्चिम), मुम्बई-400078	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	4250:1980
5.	7704475	05-02-2008	कोनिका अप्लाएंसस, शांति इस्टेट, गाला सं. 1/1-ए, चिचोटी कमन रोड, साग पाडा, जिला ठाणे-401208	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	4250:1980
6.	7703170	31-01-2008	युनिटी इण्डस्ट्रीज, रूम नं. 5, शांता निवास, जी ए लिंक रोड, साकीनाका, मुम्बई-400072	बिजली के घरेलू खाद्य मिक्सर (द्रवीपरक और ग्राइन्डर)	4250:1980

[सं. के. प्र. वि. 13:11]

एस. के. चौधरी, उपमहानिदेशक (प्रमाणन)

New Delhi, the 16th March, 2007

S.O. 913.—In pursuance of sub-regulation (5) of regulation 4 of the Bureau of India (Certification) Regulations, 1988, the Bureau of Indian Standards, hereby notifies the grant of licence of which are given below in the following schedule :

SCHEDULE

Sl. No.	Licence No.	Validity Date	Name and Address (factory) of the Party	Product	IS No./Part/ Sec. Year
1	2	3	4	5	6
1.	7706479	07-02-2008	Technoflex Cables E/1, Singte Compound, Koknipada Dahisar-e, Mumbai-400068	PVC Insulated cables for working voltages upto and including 1100V	694:1990
2.	7702875	01-02-2008	Precision Engineering Works, Unit No. 51, 28 & 29, A to Z Industrial Estate, G. K. Marg, Lower Parel, Mumbai-400013	Openwell Submersible pumpsets	14220:1994
3.	7709687	14-02-2008	Apar Industries Ltd. Plot No. 18, TTC MIDC Industrial Area, Thane Belapur Road, Rabale, Thane-400701	Inhibited mineral insulating oils	12463:1988
4.	7712272	25-02-2008	Pukhraj Industries 4, Madani Estate, Behind Famous Timber House, Mulund Goregaon Link Road, Sonapur Bhandup-W Mumbai-400078	Specification for Domestic Electric Food-Mixers (Liquidizes and Grinders)	4250:1980

1	2	3	4	5	6
5.	7704475	05-02-2008	Konica Appliances Santi Estate, Gala No. 1/1-A, Chinchoti Kaman Road, Sag Pada, Dist Thane-401208	Specification for Domestic Electric Food-Mixers (Liquidizes and Grinders)	4250:1980
6.	7703170	31-01-2008	Unity Industries Room No. 5, Santa Niwas, G. A. Link Road, Greater Bombay, Sakinaka, Maharashtra-400072	Specification for Domestic Electric Food-Mixers (Liquidizes and Grinders)	4250:1980

[No. CMD-13:11]

S. K. CHAUDHURI, Dy. Director General (Marks)

नई दिल्ली, 16 मार्च, 2007

का.आ. 914.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि अनुसूची में दिए गए मानक (को) में संशोधन किया गया/किये गये है :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
1	2	3	4
1.	आईएस 15756 : 2007/आईएसओ 10275:1993 - धातुओं की चढ़र एवं पत्ती टेन्साइल स्ट्रेन हार्डनिंग एक्सपोजेंट को ज्ञात करना	—	31 जनवरी, 2007

इन संशोधनों की प्रतियाँ भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 3/टी-103]

डॉ. (श्रीमति) स्नेह भाटला, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 16th March, 2007

S.O. 914.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 15756 : 2007/ISO 10275:1993 Metallic Materials—Sheet and Strip —Determination of Tensile Strain Hardening Exponent	—	31 January, 2007

Copy of these Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 3/T-103]

Dr. (Mrs.) SNEH BHATLA, Scientist 'F' & Head (Met Engg.)

नई दिल्ली, 16 मार्च, 2007

का.आ. 915.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (को) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आई एस 1258: 2005 बेयोनेट लैम्पहोल्डर/चौथा पुनरीक्षण	—	1 जुलाई, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुंबई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. ईटी 23/टी-4]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 16th March, 2007

S.O. 915.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl.No.	No. and year of the Indian Standards	No. and year of Indian Amendment	Date from which the Amendment shall have effect
1	2	3	4
1.	IS 1258 : 2005/Bayonet Lampholders (Fourth Revision)	—	1 July, 2007

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 23/T-4]

P. K. MUKHERJEE, Scientist 'F' & Head (Elect. Tech.)

नई दिल्ली, 16 मार्च, 2007

का.आ. 916.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिरिक्तित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 2215: 2006 प्रतिदीप्त लैम्प के स्टार्टर (तीसरा पुनरीक्षण)	—	1 जून, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 23/टी-14]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 16th March, 2007

S.O. 916.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendment to the Indian Standard, particulars of which are given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the Amendment	Date from which the Amendment shall have effect
1	2	3	4
1.	IS 2215 : 2006 Starters for Fluorescent Lamp (Third Revision)	—	1 June, 2007

Copies of this Amendment are available with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 23/T-14]

P. K. MUKHERJEE, Scientist 'F' & Head (Elect. Tech.)

नई दिल्ली, 20 मार्च, 2007

का.आ. 917.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 1293: 2005 250 वोल्ट तक की रेटित वोल्टता वाले और 16 एम्पीयर तक की रेटित करंट वाले प्लग और सॉकेट निकास की विशिष्ट (तीसरा पुनरीक्षण)	—	1 जुलाई, 2007

इन भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 14/टी-05]

पी. के. मुखर्जी, वैज्ञानिक 'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 20th March, 2007

S.O. 917.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule produced below, have been superseded/withdrawn on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of superseded/withdrawn
1	2	3	4
1.	IS 1293 : 2005 Plugs and Socket-Outlets of Rated Voltage up to and Including 250 Volts and Rated Current up to and Including 16 Amperes-Specification Lamp (Third Revision)	—	1 July, 2007

Copy of this Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Officers : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET 14/T-05]

P. K. MUKHERJEE, Scientist 'F' & Head (Elect. Tech.)

नई दिल्ली, 23 मार्च, 2007

का.आ. 918.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे वापस ले लिये गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	वापिस लेने की तिथि
1	2	3	4
1.	आईएस 768: 1982 रंग में बदलाव की जाँच करने की पद्धति (पहला पुनरीक्षण)	आईएस/आईएसओ 105-ए, 2:1993	मार्च, 2007
2.	आईएस 769: 1982 स्टेनिंग जाँच करने की पद्धति (पहला पुनरीक्षण)	आईएस/आईएसओ 105-ए, 3:1993	मार्च, 2007
3.	आईएस 10251: 1982 वस्त्रादि पर रंगों का पक्कापन ज्ञात करने के सामान्य सिद्धांत	आईएस/आईएसओ 105-ए, 1:1994	मार्च, 2007

अब ये भारतीय मानक बिक्री के लिये उपलब्ध नहीं होगी।

[सं. टीएक्सडी/जी-25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टीएक्सडी)

New Delhi, the 23rd March, 2007

S.O. 918.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
1	2	3	4
1.	IS 768 : 1982 Method for evaluating change in colour (First Revision)	IS/ISO 105-A02 : 1993	March, 2007
2.	IS 769 : 1982 Method for evaluating, staining (First Revision)	IS/ISO 105-A03 : 1993	March, 2007
3.	IS 10251 : 1982 General principles of testing textiles for colour fastness tests	IS/ISO 105-A01 : 1994	March, 2007

Henceforth, these standards will not available for sale.

[No. TXD/G-25]

M. S. VERMA, Director & Head (Textiles)

नई दिल्ली, 26 मार्च, 2007

का.आ. 919.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :-

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
1	2	3	4
1.	आईएस 3196 (भाग 1) : 2006 अल्प दाब द्रवणीय गैसों के लिए 5 लिटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर भाग 1 द्रवित पेट्रोलियम गैस (एल पी जी) के लिए सिलिंडर की विशिष्टि (पॉचवां पुनरीक्षण)	आईएस 3196 (भाग 1) : 1992 अल्प दाब द्रवणीय गैसों के लिए 5 लीटर से अधिक जल क्षमता वाले वेल्डित अल्प कार्बन इस्पात के सिलिंडर भाग 1 द्रवित पेट्रोलियम गैस (एलपीजी) के लिए सिलिंडर की विशिष्टि (चौथा पुनरीक्षण)	02 अप्रैल, 2007
2.	आईएस 15729 : 2007 प्राकृतिक गैस दाब रेगुलेंटिंग और मीटरिंग टर्मिनल-रीति संहिता	—	28 फरवरी, 2007

इस भारतीय मानक की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों: अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[सं. एमईडी/जी-2:1]

सी. के. वेदा, वैज्ञानिक 'एफ' एवं प्रमुख (यांत्रिक इंजीनियरिंग)

New Delhi, the 26th March, 2007

S.O. 919.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
1	2	3	4
1.	IS 3196 (Part 1) : 2006 Welded low carbon steel cylinders exceeding 5 litre water capacity for low pressure liquefiable gases Part 1 Cylinders for liquefied petroleum gases (LPG) -- Specification (Fifth revision)	IS 3196 (Part 1) : 1992 Welded low carbon steel cylinders exceeding 5 litre water capacity for low pressure liquefiable gases Part 1 Cylinders for liquefied petroleum gases LPG (Fourth Revision).	02 April, 2007
2.	IS 15729 : 2007 Natural Gas pressure regulating and metering terminal—Code of Practice	—	28 February, 2007

Copy of these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Officers : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2 : 1]

C. K. VEDA, Scientist 'F' & Head (Mechanical Engineering)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 मार्च, 2007

क्र.आ. 920.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क्र.आ. 4302 तारीख 09-11-2005 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा तमिलनाडु राज्य में परुन्गुलम टी.एन.ई.बी. से कोरामण्डल लिमिटेड पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 30-01-2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पर पाइपलाइन बिछाने के लिए अपेक्षित हैं, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे संख्या	आर.ओ.यू. के लिए अर्जित क्षेत्र (हेक्टर में)
1	2	3	4	5
रमनाड	रमनाड	53, वलन्थरवई	260.14	0.11.0
			268-2डी	0.00.5
			268-2ई	0.07.0
			268-7	0.03.0
			268-8	0.03.0
			268-10	0.05.5
			268-14बी	0.07.5
			267-4बी	0.03.5
			267-5ए	0.04.0
योग				0.45.0

[फा. सं. एल-14014/26/05-जी.पी.]

एस. बी. मण्डल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th March, 2007

S.O. 920.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4302 dated 09-11-2005 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of natural gas through Perungulam TNEB to Coramandel Ltd. Pipeline project in the State of Tamilnadu by the GAIL (India) Limited;

And whereas copies of the said Gazette notification were made available to the public on or before 30-01-2006.

And whereas no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government.

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Ramnad	Ramnad	53. Valan- tharavai	260-14	0.11.0
			268-2D	0.00.5
			268-2E	0.07.0
			268-7	0.03.0
			268-8	0.03.0
			268-10	0.05.5
			268-14B	0.07.5
			267-4B	0.03.5
			267-5A	0.04.0
			Total	0.45.0

[File No. L-14014/26/05-G.P.]

S.B. MANDAL, Under Secy.

नई दिल्ली, 30 मार्च, 2007

का.आ. 921.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50 (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 3631 तारीख 07-9-2006 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गेल (इण्डिया) लिमिटेड द्वारा राजस्थान राज्य में विजयपुर-कोटा एवं स्पर पाइपलाइन परियोजना के

माध्यम से प्राकृतिक गैस के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्रित अधिसूचना की प्रतियाँ जनता को तारीख 04-12-2006 तक उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता से कोई आक्षेप प्राप्त नहीं हुए;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और सक्षम प्राधिकारी ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित हैं, उस में उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, निर्देश देती है कि पाइपलाइन बिछाने के लिए भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख को, केन्द्रीय सरकार में निहित होने की बजाए, पाइपलाइन बिछाने का प्रस्ताव करने वाली गेल (इण्डिया) लिमिटेड में निहित होगा और तदुपरि, भूमि में ऐसे उपयोग का अधिकार, इस प्रकार अधिरोपित निबंधनों और शर्तों के अधीन रहते हुए, सभी विल्लंगमों से मुक्त, गेल (इण्डिया) लिमिटेड में निहित होगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्र (हेक्ट. में)
1	2	3	4	5
बारां	अन्ता	तामखेडा	233	0.0540
			255	0.1175
			253	0.1960
			263	0.2448
			264	0.0725
			269	0.0186
			270	0.2016

1	2	3	4	5
बारा	अन्ता	तामखेडा	282	0.1608
			285	0.0632
			286	0.0724
			योग	1.2014
	काचरी		351	0.1752
			350	0.1041
			348	0.2112
			348/428	0.0192
			333/425	0.0288
			योग	0.5385

[फा. सं. एल-14014/16/06-जी.पी.(भाग-II)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 30th March, 2007

S.O. 921.—Whereas by Notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3631 dated 7-9-2006 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for purpose of laying pipeline for transport of natural gas through Vijaipur-Kota and its spur pipeline in the State of Rajasthan by the GAIL (India) Limited;

And whereas copies of the said Gazette Notification were made available to the public on or before 04-12-2006.

And whereas no objections were received from the public to the laying of the pipeline;

And whereas the Competent Authority has, under Sub-section (1) of Section 6 of the said Act, submitted its report to the Central Government.

And whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 6 of the said Act, the Central

Government hereby declares that the Right of User in the land specified in the Schedule is hereby acquired for laying the pipeline;

And, further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the Right of User in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on this date of the publication of the declaration, in the GAIL (India) Limited, free from all encumbrances.

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (in Hect.)
1	2	3	4	5
Baran	Anta	Tamkheda	233	0.0540
			255	0.1175
			253	0.1960
			263	0.2448
			264	0.0725
			269	0.0186
			270	0.2016
			282	0.1608
			285	0.0632
			286	0.0724
			Total	1.2014
	Kachari		351	0.1752
			350	0.1041
			348	0.2112
			348/428	0.0192
			333/425	0.0288
			Total	0.5385

[File No. L-14014/16/06-G.P.(Part-II)]

S.B. MANDAL, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 29 मार्च, 2007

का. आ. 922.— केन्द्रीय सरकार को, लोक हित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य पारादीप से पश्चिम बंगाल राज्य में हल्दिया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संबंधित अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए ।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उपयोग के अधिकार के अर्जन या भूमि के भीतर पाइपलाइन बिछाने के विरोध में श्री. सुकान्त कुमार प्रधान सक्षम प्राधिकारी, पारादीप हल्दिया कृड ऑयल पाइपलाइन परियोजना, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग हाउसिंग कॉम्प्लेक्स मेघदम्बारा, डाकघर - कुरुदा, बालासोर-756056 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिल्हा:केद्रपाडा

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
महाकालपाडा	मलाडीहि	763	00	09	20
		762	00	09	54
	बरडंग	497	00	03	35
		1425	00	03	40
		508	00	00	80
		528	00	01	40
		529	00	00	30
		496	00	02	45
	खोलानई	235	00	01	00
	बंधपाडा	52/367	00	13	42

1	2	3	4	5	6
पट्टामुन्डाई	बाटिपाडा	407	00	02	74
	सतकुडिया	761	00	08	82
	चेडिया	566	00	08	02
	बुहाळ	101	00	02	68
		798	00	00	79
		52	00	01	80
		29	00	08	67
		459	00	03	60
		462	00	03	60
		463	00	08	82
		50	00	03	78
		439	00	02	66
	बन्तो	61	00	02	99
		1271	00	00	48
		14	00	00	26
	अन्धारूआ	18	00	06	71
		19	00	04	87
		20	00	07	71
	मालीपुर	1580	00	00	21
		1588	00	10	37
	झामरपुर	2436	00	01	50
		2424	00	00	18
	पालपाटना	2683	00	05	25
औल	अलिहा	399	00	01	30
		704	00	01	69
		857	00	02	68
	मोहासानी	2387	00	06	76
		1247/2765	00	04	00
		2580	00	03	03
		2414	00	08	24
		1215	00	00	40
		1138	00	03	60
		990	00	00	40
		1226/2771	00	00	70

1	2	3	4	5	6
		2415	00	01	40
		2517	00	00	98
		2514	00	00	25
		2417	00	06	31
		2402	00	03	55
		2572	00	00	68
		2570	00	03	79
		2885	00	01	81
		2925	00	00	91
		2224	00	00	72
		1249	00	01	60
		1227	00	01	02
		1140	00	00	28
		1216	00	08	51
	चण्डियागड़ी	532	00	05	50
	शितलेश्वर	795	00	05	30
		77	00	01	08
	नियाल	1459	00	01	03
		2456	00	11	99
	तुन्गा	1846	00	01	46
		1864	00	00	18
		1410	00	00	65
		1371	00	02	61
		1710	00	10	60
		1711	00	05	65
		1712	00	01	05
		1723	00	06	65
		1081	00	01	26
		906	00	28	44
		647	00	01	02
		1448	00	09	81
		1449/1537	00	01	17
		646	00	01	12

[फा. सं. आर-25011/12/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

Ministry of Petroleum and Natural Gas

New Delhi, the 29th March, 2007

s. o. 922.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein under the land to Shri. Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip - Haldia Pipeline Project, Indian Oil Corporation Limited, Marketing Housing Complex, Meghadambaru, Post office- Kuruda, Balasore (Orissa).

Schedule

District :Kendrapara

State : Orissa

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Mahakalpada	Maladihi	763	00	09	20
		762	00	09	54
		497	00	03	35
	Baradang	1425	00	03	40
		508	00	00	80
		528	00	01	40
		529	00	00	30
		496	00	02	45
	Kholanai	235	00	01	00
	Bandhapara	52/367	00	13	42

1	2	3	4	5	6
Pattamundai	Batipara	407	00	02	74
	Satkudia	761	00	08	82
	Chadeya	566	00	08	02
	Buhal	101	00	02	68
		798	00	00	79
		52	00	01	80
		29	00	08	67
		459	00	03	60
		462	00	03	60
		463	00	08	82
		50	00	03	78
		439	00	02	66
	Banto	61	00	02	99
		1271	00	00	48
		14	00	00	26
	Andharua	18	00	06	71
		19	00	04	87
		20	00	07	71
	Malipur	1580	00	00	21
		1588	00	10	37
Aul	Damarpur	2436	00	01	50
		2424	00	00	18
	Palpatna	2683	00	05	25
	Aliha	399	00	01	30
		704	00	01	69
		857	00	02	68
	Mahasani	2387	00	06	76
		1247/2765	00	04	00
		2580	00	03	03
		2414	00	08	24
		1215	00	00	40
		1138	00	03	60
		990	00	00	40
		1226/2771	00	00	70
		2415	00	01	40

1	2	3	4	5	6
		2517	00	00	98
		2514	00	00	25
		2417	00	06	31
		2402	00	03	55
		2572	00	00	68
		2570	00	03	79
		2885	00	01	81
		2925	00	00	91
		2224	00	00	72
		1249	00	01	60
		1227	00	01	02
		1140	00	00	28
		1216	00	08	51
	Chandiagadi	532	00	05	50
	Sitleswar	795	00	05	30
		77	00	01	08
	Nial	1459	00	01	03
		2456	00	11	99
	Tunga	1846	00	01	46
		1864	00	00	18
		1410	00	00	65
		1371	00	02	61
		1710	00	10	60
		1711	00	05	65
		1712	00	01	05
		1723	00	06	65
		1081	00	01	26
		906	00	28	44
		647	00	01	02
		1448	00	09	81
		1449/1537	00	01	17
		646	00	01	12

[F.No. R-25011/12/2004-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मार्च, 2007

का. आ. 923.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गयी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 4414, तारीख 13 नवम्बर, 2006 द्वारा तमिलनाडु राज्य में चेन्नई पेट्रोलियम कॉर्पोरेशन लिमिटेड, मनालि कि रिफ़ैनेरी से मीनम्बाक्कम एयरपोर्ट तक पेट्रोलियम उत्पादनों के परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा एबीएस टर्बाइन फ़ायुयल (ए टि एफ़) पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ।

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 11.12.2006 को उपलब्ध करा दी गई थी ।

और उक्त अधिनियम की धारा 6 की उप-धारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ।

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए ।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग का अधिकार अर्जित किया जाता है ।

यह और कि केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि के उपयोग का अधिकार इस अधिसूचना के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाय सभी बिल्लंगमों से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालुका : श्रीपेरुम्बुदूर	जिला : कांचीपुरम		राज्य : तामिलनाडु		
			क्षेत्रफल		
गाँव का नाम	सर्वेक्षण सं-खण्ड सं.	उप-खण्ड सं.	हेक्टर	एयर	वर्ग मिटर
1	2	3	4	5	6
53, वलारपुरम	427	अ	0	1	66
	437	1	0	11	05
	437	2	0	12	24
	437	3	0	3	92
	438	-	0	0	66
	439	1अ	0	0	40
	435	4	0	5	59
	435	5	0	0	50
	440	1	0	7	89
	440	2	0	3	98
	440	6	0	8	28
	440	7	0	10	15
	445	6	0	2	27
	445	7	0	4	62
	444	1	0	12	40
	444	2अ1अ	0	3	59
	444	16	0	1	69
57, इरुनाट्टुकोट्टाई	1	2	0	28	36
	6	5	0	12	37
	2	4	0	0	40
	5	1	0	3	75
	5	2	0	10	32
	5	3	0	6	27
	5	5	0	12	27
	13	1	0	3	19
	14	1	0	0	90
	14	2अ	0	13	59
	14	2ब	0	1	90
	14	3	0	23	47
	15	8	0	10	14
	11	2अ1अ	0	8	19
	11	10	0	0	90
	11	5	0	2	88
	11	14	0	0	91
	11-	8	0	1	50

1	2	3	4	5	6
	11	13	0	0	40
	22	2	0	7	29
	57	12अ	0	3	16
	57	12ब	0	10	36
	57	13	0	0	76
	57	10	0	0	81
	57	14	0	13	31
	57	6	0	0	65
	56	2	0	3	22
	56	3	0	15	69
	201	4	0	0	40
	210	14अ	0	0	40
	211	9	0	0	40
	199	8	0	0	91
	198	7	0	16	24
	218	2	0	0	40
	218	3	0	1	05
	218	7	0	4	50
	218	8अ1अ	0	1	08
	218	11	0	1	00
	218	8अ1क	0	0	40
	218	8अ3	0	0	40
	219	1अ1	0	6	74
	219	1अ2	0	0	45
	186	3अ1	0	4	05
	186	3अ3	0	4	61
	186	3ब	0	0	81
	186	3क	0	0	54
	348	8	0	1	35
	348	9	0	4	60
	348	10	0	2	16
	348	11	0	1	98
	348	13	0	2	88
	347	2	0	2	61
	347	4	0	3	75
	347	8	0	10	25
	347	9	0	3	43
	354	1	0	1	35
	354	6	0	1	12
	354	7	0	2	10
	354	8	0	0	40
	354	11	0	4	75

1	2	3	4	5	6
	354	10	0	0	40
	354	12	0	5	25
	354	14	0	2	12
	355	12	0	0	86
	355	13अ	0	0	40
	355	13ब	0	0	40
	356	16	0	1	62
	356	17	0	2	80
	356	21	0	0	60
	357	2	0	2	22
	357	3अ	0	2	00
	357	4	0	5	20
	357	5	0	3	60
	357	7	0	5	94
	357	8	0	0	40
	357	9	0	3	24
56, काटरम्बकम	25	1	0	0	40
	25	2	0	4	67
	25	3क1	0	3	60
	20	1	0	0	96
	24	1	0	3	04
	24	2	0	4	53
	24	3	0	4	93
	23	-	0	13	18
	29	-	0	11	30
	31	1	0	0	75
	40	2	0	9	37
	40	3	0	3	51
	40	5	0	1	72
	40	6	0	11	53
	51	2	0	12	80
	50	2	0	13	09
	49	1	0	6	23
	49	2	0	3	80
	54	1	0	0	81
	54	2	0	2	58
	48	1	0	1	28
	47	1	0	0	55
	47	2	0	1	07
	55	1	0	4	24
	55	2	0	2	74

1	2	3	4	5	6
	55	3	0	3	79
	109	1	0	6	66
	109	2	0	6	72
	118	2	0	13	16
	121	3	0	0	72
	121	5	0	0	47
	121	6	0	1	73
	121	7	0	2	24
	121	8	0	2	44
	121	9	0	2	74
	121	12अ	0	0	40
	121	13अ	0	0	40
	121	13क	0	0	40
	129	1	0	12	84
	183	1	0	0	80
	183	2	0	3	83
	183	3	0	3	78
	184	5	0	5	78
	184	6क	0	1	37
	184	6ड	0	1	80
	181	1अ	0	1	56
	181	1ब	0	0	40
	181	2अ	0	1	68
	181	2ब	0	2	42
	181	2क	0	2	18
	181	3	0	6	84
	192	4	0	7	43
	193	1अ	0	1	48
	193	1ब	0	3	15
	193	2	0	7	59
	175	1ब	0	0	40
	196	2अ	0	8	70
	197	-	0	2	70
	199	2	0	1	68
	198	1अ	0	0	40
	198	2अ	0	8	46
	207	3अ	0	0	47
	207	3क	0	4	75
	207	4	0	7	74
	209	1अ	0	8	73
	209	1ब	0	1	17
	209	5अ	0	5	03

1	2	3	4	5	6
	211	1अ1	0	9	38
	211	1अ2	0	1	82
	216	3अ1अ	0	3	41
	216	3अ1ब	0	0	40
	216	12	0	2	13
	216	3ब1	0	4	40
	216	4	0	1	08
	216	5	0	1	38
	216	3ब2	0	5	91
	217	1अ1	0	9	98
	217	2	0	0	96
	290	1अ1अ	0	6	22
	290	1ब	0	0	63
	290	1क	0	2	16
	290	1ड	0	1	56
	290	1इ	0	1	71
	290	2	0	5	24
	288	1अ1	0	1	00
	333	1	0	8	35
	333	2	0	7	83
	332	-	0	0	40
	334	1ब	0	0	95
	334	1अ5	0	0	83
	334	1अ6	0	2	00
	334	1अ7	0	2	00
	334	1अ8	0	1	30
	334	1अ9	0	1	10
	334	1अ10	0	0	75
	334	1अ11	0	0	40
	334	1अ12	0	0	40
	334	1अ15	0	1	30
	334	1अ14	0	1	50
	334	1अ1क	0	0	40
	334	1अ4	0	0	65
	334	1अ16	0	1	43
	334	1अ17	0	0	40
	334	1ड	0	0	81
	334	1अ1अ	0	8	82
	338	1अ1	0	4	90
	338	1क	0	1	30
	338	1ब	0	1	62
	338	14	0	0	40

1	2	3	4	5	6
	338	15	0	0	90
	338	21	0	1	32
	338	37	0	1	35
	338	22	0	3	00
	338	1अ2	0	0	40
	338	47	0	0	40
	338	48	0	0	90
	338	1अ क	0	1	17
	338	1अ ड	0	0	81
	338	1अ ह	0	0	54
	338	40	0	0	40
	335	11	0	0	40
	335	1एल्	0	0	40
	335	24	0	0	40
	335	22	0	0	45
	335	1ज	0	0	72
	335	1के	0	0	90
	335	8	0	1	22
	335	9	0	1	62
	335	20	0	0	40
	335	10	0	1	42
	335	21	0	0	40
	335	30	0	1	08
	335	1अ5	0	1	08
	335	1	0	7	41
	335	1अ4	0	0	51
	329	52	0	0	81
	329	51	0	0	57
	329	28	0	1	33
	329	29	0	1	67
	329	30	0	1	15
	329	31	0	0	76
	329	27	0	0	40
	329	26	0	0	44
	329	25	0	0	72
	329	24	0	0	47
	329	55	0	3	75
	328	67	0	0	40
	328	58	0	1	43
	328	26	0	1	59
	328	27	0	1	28
	328	25	0	0	40

1	2	3	4	5	6
	328	24	0	0	50
	328	1जे	0	0	92
	328	57	0	0	86
	328	56	0	1	22
	328	59	0	0	56
	328	1आइ	0	1	57
	328	35	0	0	40
	328	54	0	1	52
	328	23	0	1	15
	328	22	0	0	79
	328	1एच्	0	0	41
	328	1जी	0	0	40
	328	1एफ्	0	0	40
	328	50	0	0	70
	328	21	0	0	40
	328	5	0	1	07
	328	51	0	3	01
	328	52	0	1	59
	328	18	0	0	40
	328	19	0	0	78
	328	1अ	0	5	12
60, पुदुपाहर	106	1एम्	0	13	50
	107	-	0	16	51
	108	1क	0	2	05
	108	1ड	0	7	70
	108	2	0	4	87
	59	6	0	0	40
	59	7	0	4	94
	59	21	0	4	81
	59	22	0	2	15
	59	25	0	6	84
	59	24	0	0	40
	59	39	0	0	40
	59	38	0	1	14
	59	35	0	3	10
	59	37	0	2	13
	59	1ब	0	3	06
	59	1क	0	3	24
	59	3	0	0	40
	59	4	0	0	80
	54	1	0	7	65

1	2	3	4	5	6
	54	2ब	0	3	94
	54	2क	0	4	00
	54	2अ	0	2	71
	54	3अ	0	0	53
	53	1अ	0	13	45
	53	1ब	0	1	40
	53	2	0	0	44
	52	8अ	0	0	89
	52	8ब	0	3	09
	52	9ब	0	3	14
	52	9क	0	3	01
	52	10	0	6	75
	52	11	0	6	89
	52	12अ	0	2	83
	52	12ब	0	2	86
	52	13अ	0	3	54
	52	13ब	0	2	48
	50	6ब	0	0	90
	50	6क	0	3	99
	50	6ड	0	2	48
	49	1क	0	2	16
	49	2ब1अ	0	15	02
	49	2ब1ब	0	1	37
	49	4	0	1	76
	49	5	0	1	71
	49	2ब4	0	1	38
	49	6	0	0	40
61, नन्दाम्बकम	640	3	0	0	40
	659	10	0	9	81
	641	6	0	16	20
	641	2	0	7	63
	641	3	0	21	36
	657	1अ1	0	35	26
	657	1अ2	0	2	00
	657	16	0	0	72
	657	17	0	2	20
	657	20	0	1	50
	657	1इ	0	2	16
	656	1अ1अ	0	6	17
	656	2	0	3	78
	647	10अ2	0	2	89

1	2	3	4	5	6
	647	10अ1	0	1	90
	647	9	0	4	64
	647	8अ	0	0	92
	647	8ब	0	3	56
	647	7ब	0	0	40
	647	7अ1अ	0	3	94
	647	6ब	0	0	40
	647	5अ1	0	8	04
	647	4अ1	0	4	18
	647	3अ	0	4	18
	647	2	0	3	41
	647	1ब	0	1	82
	647	1अ	0	2	46
	648	10अ1	0	8	12
	649	2	0	8	55
	649	6	0	9	38
	635	1अ	0	0	40
	635	1ब	0	7	55
	635	24	0	1	80
	635	25	0	0	92
	635	22	0	0	40
	635	17	0	0	40
	635	18	0	1	94
	635	16	0	0	40
	635	21	0	5	52
	635	19	0	1	08
	635	20	0	1	08
	635	32	0	0	40
	635	7	0	0	81
	635	8	0	1	08
	635	9	0	1	08
	635	10	0	1	56
	635	11	0	0	40
	635	12	0	1	20
	635	2ब5	0	0	40
	635	2ब4	0	0	68
	635	2ब3	0	2	68
	635	2ब2	0	0	87
	635	2क1	0	1	70
	633	1अ4	0	5	77
	633	1ब	0	3	30
	505	7ब	0	0	54

1	2	3	4	5	6
	501	1	0	3	16
	503	1	0	11	06
	502	1	0	0	40
	495	2	0	0	40
	496	2ब	0	3	15
	496	2अ	0	12	25
	496	1ब	0	4	07
	497	2अ	0	3	06
	497	1अ	0	0	40
	497	1ब	0	2	95
	488	-	0	2	86
	491	11	0	0	62
	491	12	0	2	83
	491	14	0	1	65
	490	-	0	0	88
	489	1	0	8	06
	489	2	0	1	58
	466	-	0	8	80
	465	5	0	0	40
	462	3	0	5	21
	180	1	0	4	96
	180	2	0	5	78
	180	3अ	0	1	99
	180	3ब	0	1	10
	198	2	0	2	93
	201	1	0	4	60
	199	-	0	3	23
	200	1	0	2	49
	200	2	0	2	93
	203	1	0	5	54
	204	3	0	5	12
	205	1	0	5	77
	206	-	0	3	24
	207	1	0	0	40
	326	1	0	2	12
	326	2	0	0	96
	326	3	0	0	70
	327	9	0	0	40
	327	10	0	1	74
	327	6	0	2	10
	327	11	0	0	40
	327	2	0	0	40

1	2	3	4	5	6
	327	3	0	0	72
	327	7	0	0	90
	327	4ब	0	1	50
	327	4अ	0	1	80
	328	10	0	0	40
	316	-	0	1	40
	325	1	0	2	18
	292	-	0	1	71
	293	1	0	1	28
	288	-	0	3	09
	223	1	0	8	80
	223	2	0	1	92
	229	3	0	1	90
	283	-	0	5	18
	232	1	0	0	40
	272	2	0	4	86
	272	1	0	1	78
	235	-	0	6	78
	273	2ब	0	0	53
	270	4	0	9	76
	239	2	0	3	71
	239	1	0	8	24
	240	2	0	0	40
	238	3	0	0	40
	242	-	0	8	70
	243	-	0	0	40
	244	-	0	11	50
	241	-	0	0	65
	246	2	0	2	41
	246	3	0	8	97
	247	1	0	8	17
	14	6अ	0	0	40
	11	-	0	6	77
	10	2	0	0	40
	12	2	0	5	48
	12	1	0	5	79
	5	5	0	4	27
	5	2अ	0	0	80
	5	2ब	0	0	40
	5	1अ	0	0	40
	6	2	0	3	84
	6	1	0	4	20

1	2	3	4	5	6
	8	-	0	7	58
97, पुन्हाडालाम	243	1	0	1	39
63, सिरुक्कालातुर	147	-	0	11	50
	139	1	0	2	22
	139	2	0	5	32
	118	-	0	15	27
	116	-	0	5	03
	119	-	0	0	40
	120	-	0	14	51
	113	-	0	0	40
	124	-	0	12	54
	125	2	0	2	58
	96	-	0	19	76
	94	1	0	5	54
	88	2	0	5	28
	88	1	0	2	54
92, तिरुमुडियक्कम	2	1	0	4	42
	1	2	0	9	55
	1	1	0	1	26
91, कुन्नातुर	995	1	0	0	90
	995	2अ	0	3	28
	994	1अ	0	0	99
	994	1ब	0	6	46
	989	1	0	1	52
	989	2	0	9	17
	990	1	0	0	90
	991	1ब	0	15	27
	991	2	0	5	11
	978	-	0	14	93
	974	-	0	15	50
	972	2अ1	0	13	14
	972	2ब1	0	1	82
	968	2अ	0	0	79
	968	2ब	0	3	47
	968	1अ1	0	0	80
	968	1अ2	0	11	13
	955	-	0	15	51
	935	1अ1	0	3	06

1	2	3	4	5	6
	935	1ब	0	2	22
	935	1क	0	1	11
	935	1द	0	1	43
	935	1एफ	0	0	40
	937	2ब	0	0	40
	937	2अ1	0	6	24
	937	2अ2	0	0	63
	938	1अ	0	2	66
	938	2	0	4	18
	939	4अ	0	8	41
	906	1अ1	0	6	19
	906	1अ2	0	0	56
	906	1ब1	0	12	46
	906	1ब2	0	0	40
	906	1ब3	0	2	20
	906	2क	0	0	40
	889	-	0	15	00
	890	-	0	0	43
	888	-	0	14	58
	877	2	0	0	40
	878	2	0	12	42
	820	-	0	11	63
	821	-	0	7	89
	822	1	0	8	76
	822	2	0	2	93
	827	-	0	9	02
	823	2	0	4	55
	825	-	0	12	36
	824	1	0	5	40
	824	2	0	1	41
	824	3	0	0	40
	786	2	0	1	70
	787	-	0	0	40
	788	2	0	1	82
	781	-	0	2	40
	780	-	0	5	53
	779	1	0	18	85
	771	-	0	18	91
	770	-	0	2	95
	756	3	0	8	69
	756	2	0	2	19
	756	1अ1	0	78	74

1	2	3	4	5	6
	755	2	0	2	75
	601	1	0	7	88
	604	-	0	1	70
	606	1	0	8	47
	593	1	0	9	90
	593	2	0	2	79
	592	1	0	1	21
	592	2अ1	0	9	36
	577	1अ	0	13	01
	577	1ब	0	0	40
	569	2	0	8	90
	568	1अ	0	7	31
	560	-	0	7	20
	549	1अ७	0	1	84
	549	1बाइ	0	1	18
	549	1जेड	0	1	18
	549	3	0	0	40
	549	1अ1अ	0	28	29
	549	1पि	0	0	40
	549	1क्यु	0	1	43
	549	7	0	0	40
	549	41	0	0	40
	494	1अ	0	6	21
	494	1ब	0	1	94
	496	1अ	0	7	47
	497	1अ	0	6	64
	483	1ब	0	7	02
	484	1	0	10	84
	478	1	0	9	19
	468	1	0	7	32
	468	2	0	1	66
	462	2	0	11	29
	131	4	0	5	40
	130	-	0	0	50
	127	-	0	6	27
	126	-	0	0	40
	129	1क	0	8	82
	116	1	0	12	60
	117	1	0	4	30
	118	1	0	9	13
	111	3ब1	0	2	14
	111	3ब2	0	9	50

1	2	3	4	5	6
	110	1	0	5	27
	110	2	0	14	95
	108	3	0	1	54
	98	-	0	0	40
	10	2अ	0	0	40
	10	3	0	3	92
	11	2अ1	0	0	40
	11	2अ2	0	1	25
	11	2अ3	0	5	31
	11	2क	0	12	84
	11	2ब	0	9	54
	1379	3ब	0	11	60
	1379	4अ1	0	0	40
	1379	3अ	0	1	48
	1379	4अ3	0	4	85
	1379	4अ2	0	9	48
	1379	4अ4	0	8	05
	1379	6अ1	0	2	25
	18	8	0	6	84
82, रेन्डाकटलाह	216	-	0	26	69
	215	1	0	10	49
	209	-	0	6	89
	208	-	0	1	78
	206	-	0	8	04
	205	1अ	0	3	06
	151	1	0	5	89
	146	-	0	0	40
	143	1	0	7	97
	142	-	0	5	03
	136	-	0	8	89
	135	2	0	5	03
	120	1ब	0	7	29
	120	2	0	9	36
	120	3	0	0	80
	119	-	0	5	98
	105	3	0	0	40
	118	-	0	4	00
	117	2	0	3	80
	117	1अ	0	1	18
	117	1ब	0	4	41
	121	1अ	0	3	22

1	2	3	4	5	6
	115	1	0	8	91
	115	3	0	0	40
81, ताराप्यक्कम	212	-	0	1	43
	211	1अ	0	12	53
	211	1ब	0	0	40
	211	2अ	0	4	36
	211	2ब1	0	2	11
	210	1अ	0	0	40
	210	1ब	0	6	3
	209	2	0	0	89
	208	-	0	6	64
	207	1	0	7	79
	207	2	0	11	52
	225	1अ	0	0	40
	225	1ब	0	1	35
	225	2	0	0	95
	225	3	0	1	47
	203	4	0	1	68
	203	5	0	0	75
	202	9	0	2	57
	202	10	0	3	98
	202	11	0	3	09
	202	12	0	1	71
	202	13	0	0	72
	226	1अ	0	4	30
	226	3	0	2	88
	226	1अ1	0	11	52
	226	1ब2	0	15	98
	236	2	0	2	49
	239	1	0	5	13
	239	2	0	8	13
	238	-	0	16	39
	240	1	0	12	40
	282	1	0	20	96
	280	4	0	0	80
	280	5	0	3	96
	279	4	0	19	80
	284	1	0	27	00
	269	1	0	5	63
	268	1	0	3	30
	267	1	0	6	68

1	2	3	4	5	6
	5	1	0	10	48
	1	1	0	7	17
	1	2	0	5	36
80. केरुगाप्पिकम	613	1	0	8	55
	534	1	0	8	54
	534	2	0	8	47
	609	-	0	16	31
	611	-	0	0	40
	617	-	0	8	18
	607	1	0	0	52
	607	3	0	5	43
	620	1	0	7	90
	620	2	0	9	00
	625	2	0	0	81
	628	-	0	1	01
	629	-	0	15	37
	630	1		9	69
	646	-	0	14	76
	649	-	0	7	48
	650	-	0	14	87
	651	2	0	0	50
	653	-	0	5	89
	652	-	0	9	03
	657	1	0	9	26
	657	2	0	5	93
	656	1	0	14	94
	656	2	0	0	40
	694	1	0	7	23
	694	2	0	5	89
	697	-	0	15	96
	711	-	0	0	40
	712	1	0	7	65
	712	2	0	6	96
	714	-	0	7	74
	715	1क	0	4	76
	715	2	0	1	57
	719	-	0	0	68
	718	2	0	9	54
	722	-	0	15	12
	726	-	0	9	68
	724	1	0	1	07

1	2	3	4	5	6
	725	1	0	10	26
79, कोलाप्पक्कम	402	2	0	3	88
	403	1	0	25	16
	403	2ब	0	2	80
	348	1	0	5	67
	348	2अ	0	2	60
	348	2ब2	0	9	94
	348	2क	0	8	37
	346	1अ	0	10	79
	346	1ब	0	8	44
	349	4	0	4	39
	350	2	0	21	59
	351	1	0	11	34
	345	2	0	0	40
	343	1अ	0	3	20
	343	1ब	0	8	91
	352	3	0	4	05
	342	-	0	16	33
	339	1	0	13	76
	339	2	0	12	24
	338	-	0	15	98
	337	2	0	7	36
	337	1	0	1	97
	336	2क	0	5	44
	336	2अ	0	5	56
	336	2ब	0	5	28
	336	2ड	0	1	00
	333	2ब	0	3	00
	333	2अ	0	0	40
	333	2क	0	1	13
	331	2अ	0	31	86
	331	1	0	28	26
	323	1	0	23	58
	323	2	0	1	98
	323	3	0	8	64
	321	2अ	0	1	32
	322	1क	0	5	00
	322	2	0	2	00

[फा. सं. आर-25011/11/2006-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th March, 2007

S.O. 923.—Whereas, by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 4414 dated the 13th November, 2006 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Aviation Turbine Fuel (ATF) petroleum product from Refinery of Chennai Petroleum Corporation Limited, Manali to Meenammbakkam Airport in the State of Tamil Nadu, by the Indian Oil Corporation Limited;

And whereas, copies of the said notification were made available to the public from : 11.12.2006.

And whereas, the Competent Authority in pursuance of sub-section (1) of section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the Right of user in the land specified in the Schedule appended to this notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

SCHEDULE

Taluk: SRIPERUMBUDUR	District: KANCHEEPURAM		State: TAMILNADU		
			Area		
Name of the Village	Survey No.	Subdivision No.	Hectare	Are	Sq. Mtr.
1	2	3	4	5	6
53, Valarapuram	427	A	0	1	66
	437	1	0	11	05
	437	2	0	12	24
	437	3	0	3	92
	438	-	0	0	66
	439	1A	0	0	40
	435	4	0	5	59
	435	5	0	0	50
	440	1	0	7	89
	440	2	0	3	98
	440	6	0	8	28
	440	7	0	10	15
	445	6	0	2	27
	445	7	0	4	62
	444	1	0	12	40
	444	2A1A	0	3	59
	444	16	0	1	69
57, Irrungattukottai	1	2	0	28	36
	6	5	0	12	37
	2	4	0	0	40
	5	1	0	3	75
	5	2	0	10	32
	5	3	0	6	27
	5	5	0	12	27
	13	1	0	3	19
	14	1	0	0	90
	14	2A	0	13	59
	14	2B	0	1	90
	14	3	0	23	47
	15	8	0	10	14
	11	2A1A	0	8	19
	11	10	0	0	90
	11	5	0	2	88
	11	14	0	0	91
	11	8	0	1	50

1	2	3	4	5	6
	11	13	0	0	40
	22	2	0	7	29
	57	12A	0	3	16
	57	12B	0	10	36
	57	13	0	0	76
	57	10	0	0	81
	57	14	0	13	31
	57	6	0	0	65
	56	2	0	3	22
	56	3	0	15	69
	201	4	0	0	40
	210	14A	0	0	40
	211	9	0	0	40
	199	8	0	0	91
	198	7	0	16	24
	218	2	0	0	40
	218	3	0	1	05
	218	7	0	4	50
	218	8A1A	0	1	08
	218	11	0	1	00
	218	8A1C	0	0	40
	218	8A3	0	0	40
	219	1A1	0	6	74
	219	1A2	0	0	45
	186	3A1	0	4	05
	186	3A3	0	4	61
	186	3B	0	0	81
	186	3C	0	0	54
	348	8	0	1	35
	348	9	0	4	60
	348	10	0	2	16
	348	11	0	1	98
	348	13	0	2	88
	347	2	0	2	61
	347	4	0	3	75
	347	8	0	10	25
	347	9	0	3	43
	354	1	0	1	35
	354	6	0	1	12
	354	7	0	2	10
	354	8	0	0	40
	354	11	0	4	75

1	2	3	4	5	6
	354	10	0	0	40
	354	12	0	5	25
	354	14	0	2	12
	355	12	0	0	86
	355	13A	0	0	40
	355	13B	0	0	40
	356	16	0	1	62
	356	17	0	2	80
	356	21	0	0	60
	357	2	0	2	22
	357	3A	0	2	00
	357	4	0	5	20
	357	5	0	3	60
	357	7	0	5	94
	357	8	0	0	40
	357	9	0	3	24
56, Katrambakkam	25	1	0	0	40
	25	2	0	4	67
	25	3C1	0	3	60
	20	1	0	0	96
	24	1	0	3	04
	24	2	0	4	53
	24	3	0	4	93
	23	-	0	13	18
	29	-	0	11	30
	31	1	0	0	75
	40	2	0	9	37
	40	3	0	3	51
	40	5	0	1	72
	40	6	0	11	53
	51	2	0	12	80
	50	2	0	13	09
	49	1	0	6	23
	49	2	0	3	80
	54	1	0	0	81
	54	2	0	2	58
	48	1	0	1	28
	47	1	0	0	55
	47	2	0	1	07
	55	1	0	4	24
	55	2	0	2	74

1	2	3	4	5	6
	55	3	0	3	79
	109	1	0	6	66
	109	2	0	6	72
	118	2	0	13	16
	121	3	0	0	72
	121	5	0	0	47
	121	6	0	1	73
	121	7	0	2	24
	121	8	0	2	44
	121	9	0	2	74
	121	12A	0	0	40
	121	13A	0	0	40
	121	13C	0	0	40
	129	1	0	12	84
	183	1	0	0	80
	183	2	0	3	83
	183	3	0	3	78
	184	5	0	5	78
	184	6C	0	1	37
	184	6D	0	1	80
	181	1A	0	1	56
	181	1B	0	0	40
	181	2A	0	1	68
	181	2B	0	2	42
	181	2C	0	2	18
	181	3	0	6	84
	192	4	0	7	43
	193	1A	0	1	48
	193	1B	0	3	15
	193	2	0	7	59
	175	1B	0	0	40
	196	2A	0	8	70
	197	-	0	2	70
	199	2	0	1	68
	198	1A	0	0	40
	198	2A	0	8	46
	207	3A	0	0	47
	207	3C	0	4	75
	207	4	0	7	74
	209	1A	0	8	73
	209	1B	0	1	17
	209	5A	0	5	03

1	2	3	4	5	6
	211	1A1	0	9	38
	211	1A2	0	1	82
	216	3A1A	0	3	41
	216	3A1B	0	0	40
	216	12	0	2	13
	216	3B1	0	4	40
	216	4	0	1	08
	216	5	0	1	38
	216	3B2	0	5	91
	217	1A1	0	9	98
	217	2	0	0	96
	290	1A1A	0	6	22
	290	1B	0	0	63
	290	1C	0	2	16
	290	1D	0	1	56
	290	1E	0	1	71
	290	2	0	5	24
	288	1A1	0	1	00
	333	1	0	8	35
	333	2	0	7	83
	332	-	0	0	40
	334	1B	0	0	95
	334	1A5	0	0	83
	334	1A6	0	2	00
	334	1A7	0	2	00
	334	1A8	0	1	30
	334	1A9	0	1	10
	334	1A10	0	0	75
	334	1A11	0	0	40
	334	1A12	0	0	40
	334	1A15	0	1	30
	334	1A14	0	1	50
	334	1A1C	0	0	40
	334	1A4	0	0	65
	334	1A16	0	1	43
	334	1A17	0	0	40
	334	1D	0	0	81
	334	1A1A	0	8	82
	338	1A1	0	4	90
	338	1C	0	1	30
	338	1B	0	1	62
	338	14	0	0	40

1	2	3	4	5	6
	338	15	0	0	90
	338	21	0	1	32
	338	37	0	1	35
	338	22	0	3	00
	338	1A2	0	0	40
	338	47	0	0	40
	338	48	0	0	90
	338	1AC	0	1	17
	338	1AD	0	0	81
	338	1AE	0	0	54
	338	40	0	0	40
	335	11	0	0	40
	335	1L	0	0	40
	335	24	0	0	40
	335	22	0	0	45
	335	1J	0	0	72
	335	1K	0	0	90
	335	8	0	1	22
	335	9	0	1	62
	335	20	0	0	40
	335	10	0	1	42
	335	21	0	0	40
	335	30	0	1	08
	335	1A5	0	1	08
	335	1	0	7	41
	335	1A4	0	0	51
	329	52	0	0	81
	329	51	0	0	57
	329	28	0	1	33
	329	29	0	1	67
	329	30	0	1	15
	329	31	0	0	76
	329	27	0	0	40
	329	26	0	0	44
	329	25	0	0	72
	329	24	0	0	47
	329	55	0	3	75
	328	67	0	0	40
	328	58	0	1	43
	328	26	0	1	59
	328	27	0	1	28
	328	25	0	0	40

1	2	3	4	5	6
	328	24	0	0	50
	328	1J	0	0	92
	328	57	0	0	86
	328	56	0	1	22
	328	59	0	0	56
	328	1I	0	1	57
	328	35	0	0	40
	328	54	0	1	52
	328	23	0	1	15
	328	22	0	0	79
	328	1H	0	0	41
	328	1G	0	0	40
	328	1F	0	0	40
	328	50	0	0	70
	328	21	0	0	40
	328	5	0	1	07
	328	51	0	3	01
	328	52	0	1	59
	328	18	0	0	40
	328	19	0	0	78
	328	1A	0	5	12
60, Puduppair	106	1M	0	13	50
	107	-	0	16	51
	108	1C	0	2	05
	108	1D	0	7	70
	108	2	0	4	87
	59	6	0	0	40
	59	7	0	4	94
	59	21	0	4	81
	59	22	0	2	15
	59	25	0	6	84
	59	24	0	0	40
	59	39	0	0	40
	59	38	0	1	14
	59	35	0	3	10
	59	37	0	2	13
	59	1B	0	3	06
	59	1C	0	3	24
	59	3	0	0	40
	59	4	0	0	80
	54	1	0	7	65

1	2	3	4	5	6
	54	2B	0	3	94
	54	2C	0	4	00
	54	2A	0	2	71
	54	3A	0	0	53
	53	1A	0	13	45
	53	1B	0	1	40
	53	2	0	0	44
	52	8A	0	0	89
	52	8B	0	3	09
	52	9B	0	3	14
	52	9C	0	3	01
	52	10	0	6	75
	52	11	0	6	89
	52	12A	0	2	83
	52	12B	0	2	86
	52	13A	0	3	54
	52	13B	0	2	48
	50	6B	0	0	90
	50	6C	0	3	99
	50	6D	0	2	48
	49	1C	0	2	16
	49	2B1A	0	15	02
	49	2B1B	0	1	37
	49	4	0	1	76
	49	5	0	1	71
	49	2B4	0	1	38
	49	6	0	0	40
61, Nandambakkam	640	3	0	0	40
	659	10	0	9	81
	641	6	0	16	20
	641	2	0	7	63
	641	3	0	21	36
	657	1A1	0	35	26
	657	1A2	0	2	00
	657	16	0	0	72
	657	17	0	2	20
	657	20	0	1	50
	657	1E	0	2	16
	656	1A1A	0	6	17
	656	2	0	3	78
	647	10A2	0	2	89

1	2	3	4	5	6
	647	10A1	0	1	90
	647	9	0	4	64
	647	8A	0	0	92
	647	8B	0	3	56
	647	7B	0	0	40
	647	7A1A	0	3	94
	647	6B	0	0	40
	647	5A1	0	8	04
	647	4A1	0	4	18
	647	3A	0	4	18
	647	2	0	3	41
	647	1B	0	1	82
	647	1A	0	2	46
	648	10B1	0	8	12
	649	2	0	8	55
	649	6	0	9	38
	635	1A	0	0	40
	635	1B	0	7	55
	635	24	0	1	80
	635	25	0	0	92
	635	22	0	0	40
	635	17	0	0	40
	635	18	0	1	94
	635	16	0	0	40
	635	21	0	5	52
	635	19	0	1	08
	635	20	0	1	08
	635	32	0	0	40
	635	7	0	0	81
	635	8	0	1	08
	635	9	0	1	08
	635	10	0	1	56
	635	11	0	0	40
	635	12	0	1	20
	635	2B5	0	0	40
	635	2B4	0	0	68
	635	2B3	0	2	68
	635	2B2	0	0	87
	635	2C1	0	1	70
	633	1A4	0	5	77
	633	1B	0	3	30
	505	7B	0	0	54

1	2	3	4	5	6
	501	1	0	3	16
	503	1	0	11	06
	502	1	0	0	40
	495	2	0	0	40
	496	2B	0	3	15
	496	2A	0	12	25
	496	1B	0	4	07
	497	2A	0	3	06
	497	1A	0	0	40
	497	1B	0	2	95
	488	-	0	2	86
	491	11	0	0	62
	491	12	0	2	83
	491	14	0	1	65
	490	-	0	0	88
	489	1	0	8	06
	489	2	0	1	58
	466	-	0	8	80
	465	5	0	0	40
	462	3	0	5	21
	180	1	0	4	96
	180	2	0	5	78
	180	3A	0	1	99
	180	3B	0	1	10
	198	2	0	2	93
	201	1	0	4	60
	199	-	0	3	23
	200	1	0	2	49
	200	2	0	2	93
	203	1	0	5	54
	204	3	0	5	12
	205	1	0	5	77
	206	-	0	3	24
	207	1	0	0	40
	326	1	0	2	12
	326	2	0	0	96
	326	3	0	0	70
	327	9	0	0	40
	327	10	0	1	74
	327	6	0	2	10
	327	11	0	0	40
	327	2	0	0	40

1	2	3	4	5	6
	327	3	0	0	72
	327	7	0	0	90
	327	4B	0	1	50
	327	4A	0	1	80
	328	10	0	0	40
	216	-	0	1	40
	325	1	0	2	18
	292	-	0	1	71
	293	1	0	1	28
	288	-	0	3	09
	223	1	0	8	80
	223	2	0	1	92
	229	3	0	1	90
	283	-	0	5	18
	232	1	0	0	40
	272	2	0	4	86
	272	1	0	1	78
	235	-	0	6	78
	273	2B	0	0	53
	270	4	0	9	76
	239	2	0	3	71
	239	1	0	8	24
	240	2	0	0	40
	238	3	0	0	40
	242	-	0	8	70
	243	-	0	0	40
	244	-	0	11	50
	241	-	0	0	65
	246	2	0	2	41
	246	3	0	8	97
	247	1	0	8	17
	14	6A	0	0	40
	11	-	0	6	77
	10	2	0	0	40
	12	2	0	5	48
	12	1	0	5	79
	5	5	0	4	27
	5	2A	0	0	80
	5	2B	0	0	40
	5	1A	0	0	40
	6	2	0	3	84
	6	1	0	4	20

1	2	3	4	5	6
	8	-	0	7	58
97, Poonthandalam	243	1	0	1	39
63, Sirukalathur	147	-	0	11	50
	139	1	0	2	22
	139	2	0	5	32
	118	-	0	15	27
	116	-	0	5	03
	119	-	0	0	40
	120	-	0	14	51
	113	-	0	0	40
	124	-	0	12	54
	125	2	0	2	58
	96	-	0	19	76
	94	1	0	5	54
	88	2	0	5	28
	88	1	0	2	54
92, Thirumudivakkam	2	1	0	4	42
	1	2	0	9	55
	1	1	0	1	26
91, Kunnathur	995	1	0	0	90
	995	2A	0	3	28
	994	1A	0	0	99
	994	1B	0	6	46
	989	1	0	1	52
	989	2	0	9	17
	990	1	0	0	90
	991	1B	0	15	27
	991	2	0	5	11
	978	-	0	14	93
	974	-	0	15	50
	972	2A1	0	13	14
	972	2B1	0	1	82
	968	2A	0	0	79
	968	2B	0	3	47
	968	1A1	0	0	80
	968	1A2	0	11	13
	955	-	0	15	51
	935	1A1	0	3	06

1	2	3	4	5	6
	935	1B	0	2	22
	935	1C	0	1	11
	935	1E	0	1	43
	935	1F	0	0	40
	937	2B	0	0	40
	937	2A1	0	6	24
	937	2A2	0	0	63
	938	1A	0	2	66
	938	2	0	4	18
	939	4A	0	8	41
	906	1A1	0	6	19
	906	1A2	0	0	56
	906	1B1	0	12	46
	906	1B2	0	0	40
	906	1B3	0	2	20
	906	2C	0	0	40
	889	-	0	15	00
	890	-	0	0	43
	888	-	0	14	58
	877	2	0	0	40
	878	2	0	12	42
	820	-	0	11	63
	821	-	0	7	89
	822	1	0	8	76
	822	2	0	2	93
	827	-	0	9	02
	823	2	0	4	55
	825	-	0	12	36
	824	1	0	5	40
	824	2	0	1	41
	824	3	0	0	40
	786	2	0	1	70
	787	-	0	0	40
	788	2	0	1	82
	781	-	0	2	40
	780	-	0	5	53
	779	1	0	18	85
	771	-	0	18	91
	770	-	0	2	95
	756	3	0	8	69
	756	2	0	2	19
	756	1A1	0	78	74

1	2	3	4	5	6
	755	2	0	2	75
	601	1	0	7	88
	604	-	0	1	70
	606	1	0	8	47
	593	1	0	9	90
	593	2	0	2	79
	592	1	0	1	21
	592	2A1	0	9	36
	577	1A	0	13	01
	577	1B	0	0	40
	569	2	0	8	90
	568	1A	0	7	31
	560	-	0	7	20
	549	1A9	0	1	84
	549	1Y	0	1	18
	549	1Z	0	1	18
	549	3	0	0	40
	549	1A1A	0	28	29
	549	1P	0	0	40
	549	1Q	0	1	43
	549	7	0	0	40
	549	41	0	0	40
	494	1A	0	6	21
	494	1B	0	1	94
	496	1A	0	7	47
	497	1A	0	6	64
	483	1B	0	7	02
	484	1	0	10	84
	478	1	0	9	19
	468	1	0	7	32
	468	2	0	1	66
	462	2	0	11	29
	131	4	0	5	40
	130	-	0	0	50
	127	-	0	6	27
	126	-	0	0	40
	129	1C	0	8	82
	116	1	0	12	60
	117	1	0	4	30
	118	1	0	9	13
	111	3B1	0	2	14
	111	3B2	0	9	50

1	2	3	4	5	6
	110	1	0	5	27
	110	2	0	14	95
	108	3	0	1	54
	98	-	0	0	40
	10	2A	0	0	40
	10	3	0	3	92
	11	2A1	0	0	40
	11	2A2	0	1	25
	11	2A3	0	5	31
	11	2C	0	12	84
	11	2B	0	9	54
	1379	3B	0	11	60
	1379	4A1	0	0	40
	1379	3A	0	1	48
	1379	4A3	0	4	85
	1379	4A2	0	9	48
	1379	4A4	0	8	05
	1379	6A1	0	2	25
	18	8	0	6	84
82, Rendankattalai	216	-	0	26	69
	215	1	0	10	49
	209	-	0	6	89
	208	-	0	1	78
	206	-	0	8	04
	205	1A	0	3	06
	151	1	0	5	89
	146	-	0	0	40
	143	1	0	7	97
	142	-	0	5	03
	136	-	0	8	89
	135	2	0	5	03
	120	1B	0	7	29
	120	2	0	9	36
	120	3	0	0	80
	119	-	0	5	98
	105	3	0	0	40
	118	-	0	4	00
	117	2	0	3	80
	117	1A	0	1	18
	117	1B	0	4	41
	121	1A	0	3	22

1	2	3	4	5	6
	115	1	0	8	91
	115	3	0	0	40
81, Tharappakkam	212	-	0	1	43
	211	1A	0	12	53
	211	1B	0	0	40
	211	2A	0	4	36
	211	2B1	0	2	11
	210	1A	0	0	40
	210	1B	0	6	3
	209	2	0	0	89
	208	-	0	6	64
	207	1	0	7	79
	207	2	0	11	52
	225	1A	0	0	40
	225	1B	0	1	35
	225	2	0	0	95
	225	3	0	1	47
	203	4	0	1	68
	203	5	0	0	75
	202	9	0	2	57
	202	10	0	3	98
	202	11	0	3	09
	202	12	0	1	71
	202	13	0	0	72
	226	1A	0	4	30
	226	3	0	2	88
	226	1B1	0	11	52
	226	1B2	0	15	98
	236	2	0	2	49
	239	1	0	5	13
	239	2	0	8	13
	238	-	0	16	39
	240	1	0	12	40
	282	1	0	20	96
	280	4	0	0	80
	280	5	0	3	96
	279	4	0	19	80
	284	1	0	27	00
	269	1	0	5	63
	268	1	0	3	30
	267	1	0	6	68

1	2	3	4	5	6
	5	1	0	10	48
	1	1	0	7	17
	1	2	0	5	36
80, Kerugampakkam	613	1	0	8	55
	534	1	0	8	54
	534	2	0	8	47
	609	-	0	16	31
	611	-	0	0	40
	617	-	0	8	18
	607	1	0	0	52
	607	3	0	5	43
	620	1	0	7	90
	620	2	0	9	00
	625	2	0	0	81
	628	-	0	1	01
	629	-	0	15	37
	630	1		9	69
	646	-	0	14	76
	649	-	0	7	48
	650	-	0	14	87
	651	2	0	0	50
	653	-	0	5	89
	652	-	0	9	03
	657	1	0	9	26
	657	2	0	5	93
	656	1	0	14	94
	656	2	0	0	40
	694	1	0	7	23
	694	2	0	5	89
	697	-	0	15	96
	711	-	0	0	40
	712	1	0	7	65
	712	2	0	6	96
	714	-	0	7	74
	715	1C	0	4	76
	715	2	0	1	57
	719	-	0	0	68
	718	2	0	9	54
	722	-	0	15	12
	726	-	0	9	68
	724	1	0	1	07

1	2	3	4	5	6
	725	1	0	10	26
79, Kolappakkam	402	2	0	3	88
	403	1	0	25	16
	403	2B	0	2	80
	348	1	0	5	67
	348	2A	0	2	60
	348	2B2	0	9	94
	348	2C	0	8	37
	346	1A	0	10	79
	346	1B	0	8	44
	349	4	0	4	39
	350	2	0	21	59
	351	1	0	11	34
	345	2	0	0	40
	343	1A	0	3	20
	343	1B	0	8	91
	352	3	0	4	05
	342	-	0	16	33
	339	1	0	13	76
	339	2	0	12	24
	338	-	0	15	98
	337	2	0	7	36
	337	1	0	1	97
	336	2C	0	5	44
	336	2A	0	5	56
	336	2B	0	5	28
	336	2D	0	1	00
	333	2B	0	3	00
	333	2A	0	0	40
	333	2C	0	1	13
	331	2A	0	31	86
	331	1	0	28	26
	323	1	0	23	58
	323	2	0	1	98
	323	3	0	8	64
	321	2A	0	1	32
	322	1C	0	5	00
	322	2	0	2	00

[F. No. R-25011/11/2006-O.R.-I]
S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मार्च, 2007

कां. आ. 924.— केन्द्रीय सरकार को, लोक हित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य पारादीप से पश्चिम बंगाल राज्य में हल्दीया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के लिए यह आवश्यक प्रतीत होता है की ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संबंधित अनुसूची में वर्णित है, में उपयोग के अधिकार का अर्जन किया जाए ।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में विवाद है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उपयोग के अधिकार के अर्जन या भूमि के भीतर पाइपलाइन बिछाने के विरोध में श्री. सुकान्त कुमार प्रधान सक्षम प्राधिकारी, पारादीप हल्दीया कुंड ऑयल पाइपलाइन परियोजना, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग हाउसिंग कॉम्प्लेक्स मेघदम्बारा, डाकघर - कुरुदा, बालासोर-756056 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिल्हा: भद्रक

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
चान्दवाली	कान्डीआसाही	297	00	00	45
		1054	00	02	75
		307	00	06	02
		309	00	08	85
		291	00	03	43
		342	00	05	10
	डिओबिल	33	00	00	35
		32	00	04	35
	मुल्काईमा	376	00	07	20
		372	00	05	20
		373	00	03	50
		534	00	01	92

1	2	3	4	5	6
		525	00	01	04
		790	00	01	02
		528	00	03	93
	सानसिंगपुर	1899	00	04	31
	बरसिंगपुर	146	00	02	15
	माधापुर	3132	00	00	80
		3123	00	01	58
		3126	00	03	22
		3107	00	02	05
		3133	00	03	17
		3124	00	01	40
	घाटपुर	1736	00	10	38
		5000	00	05	44
		2114	00	03	75
		2516	00	01	80
		2515	00	01	44
		4767	00	13	50
		4753	00	07	64
		3217	00	07	06
		3129	00	03	20
		3003	00	00	72
		2800	00	02	77
		2514	00	05	76
		2529	00	02	78
		2427	00	08	72
		2124	00	08	94
		1918	00	02	37
		1921	00	02	58
		265	00	08	55
	सान्तरापुर	1144/1767	00	11	29
		1671	00	01	45
		1669	00	02	79
तिहीडी	मानूपुर	194	00	00	44
	कान्हूपुर	412	00	01	00
		404	00	00	80
		358	00	00	86

1	2	3	4	5	6
	सन्डकपुर	29	00	00	25
	कबीरपुर	1194	00	00	38
		1115	00	01	57
	जाफराबाद	527	00	00	15
		526	00	09	89
		513	00	02	39
		483	00	01	25
		482	00	01	10
		327	00	00	48
		479	00	05	44
		521	00	02	80
	नहुनीपाल	268	00	06	74
		263	00	02	85
		266	00	04	17
		262	00	03	62
		234	00	01	05
		162	00	13	61
		168	00	00	10
		167	00	15	80
		166	00	13	71
		264	00	05	73
		34	00	01	39
बासुदेबपुर	बागदाबिनायकपुर	1643	00	01	33
	साबरपुर	140	00	01	18
	सुंगुडा	695	00	08	55
	गुआगन	910	00	09	18
	सुआन	1655	00	02	10
		1570	00	01	82
	अरतूगं	132	00	00	31
		122	00	01	41
		85	00	00	70

[फा. सं. आर-25011/11/2004-ओ.आर.-I]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th March, 2007

S.O. 924.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in the land described in the Schedule annexed to this notification;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act- 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein under the land to Shri. Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip - Haldia Pipeline Project, Indian Oil Corporation Limited, Marketing Housing Complex, Meghadambaru, Post office- Kuruda, Balasore (Orissa).

Schedule

District :Bhadrak			State:Orissa		
Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Chandbali	Kandiasahi	297	00	00	45
		1054	00	02	75
		307	00	06	02
		309	00	08	85
		291	00	03	43
		342	00	05	10
	Deobil	33	00	00	35
		32	00	04	35
	Mulkaema	376	00	07	20
		372	00	05	20
		373	00	03	50
		534	00	01	92
		525	00	01	04
		790	00	01	02
		528	00	03	93

1	2	3	4	5	6
	Sansingpur	1899	00	04	31
	Barasingpur	146	00	02	15
	Madhapur	3132	00	00	80
		3123	00	01	58
		3126	00	03	22
		3107	00	02	05
		3133	00	03	17
		3124	00	01	40
	Ghatpur	1736	00	10	38
		5000	00	05	44
		2114	00	03	75
		2516	00	01	80
		2515	00	01	44
		4767	00	13	50
		4753	00	07	64
		3217	00	07	06
		3129	00	03	20
		3003	00	00	72
		2800	00	02	77
		2514	00	05	76
		2529	00	02	78
		2427	00	08	72
		2124	00	08	94
		1918	00	02	37
		1921	00	02	58
		265	00	08	55
	Santarapur	1144/1767	00	11	29
		1671	00	01	45
		1669	00	02	79
Tihidi	Bhanupur	194	00	00	44
	Kanhupur	412	00	01	00
		404	00	00	80
		358	00	00	86
	Sandakpur	29	00	00	25
	Kabirpur	1194	00	00	38
		1115	00	01	57
	Jafrabad	527	00	00	15
		526	00	09	89
		513	00	02	39

1	2	3	4	5	6
		483	00	01	25
		482	00	01	10
		327	00	00	48
		479	00	05	44
		521	00	02	80
	Nahunipal	268	00	06	74
		263	00	02	85
		266	00	04	17
		262	00	03	62
		234	00	01	05
		162	00	13	61
		168	00	00	10
		167	00	15	80
		166	00	13	71
		264	00	05	73
		34	00	01	39
Basudevpur	Bagdabinayakpur	1643	00	01	33
	Sabarpur	140	00	01	18
	Sungura	695	00	08	55
	Guagan	910	00	09	18
	Suan	1655	00	02	10
		1570	00	01	82
	Artung	132	00	00	31
		122	00	01	41
		85	00	00	70

[F.No. R-25011/11/2004-O.R.-I]

S.K. CHITKARA, Under Secy.

नई दिल्ली, 29 मार्च, 2007

का. अ. 925.— केन्द्रीय सरकार को, लोक हित में यह आवश्यक प्रतीत होता है कि उड़ीसा राज्य में पारादीप से पश्चिम बंगाल राज्य में हल्दीया तक कच्चे तेल के परिवहन के लिए इंडियन ऑयल कॉरपोरेशन लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए तहसील राजकोनिका, जिला केन्द्रपाड़ा में भूमि में उपयोग का अधिकार अर्जित करने के अपने आशय की घोषणा का.आ. 3300, तारीख 16.12.2004 द्वारा की थी तथा बाद में उक्त अधिनियम की धारा 6 की उपधारा (1) अंतर्गत का. आ. 1190, तारीख 01.04.2005 द्वारा तहसील राजकोनिका जिला केन्द्रपाड़ा में उक्त पाइपलाइन बिछाने के लिये भूमि में अधिकार का अर्जन किया था

और उक्त दोनो अधिसूचनाओ में कुछ त्रुटिया पाई गई है जिनके कारण केन्द्रीय सरकार को यह प्रतीत होता है कि उक्त अधिसूचना का.आ. 3300, तारीख 16.12.2004 तथा का.आ. 1190, तारीख 01.04.2005 जहां तक वह तहसील राजकोनिका जिला केन्द्रपाड़ा से संबंधित है, अधिकांत करने के पश्चात ऐसी पाइपलाइन को बिछाने के लिये, इस अधिसूचना से संलग्न सूची में वर्णित भूमि में उपयोग के अधिकार का अर्जन, करना आवश्यक है ;

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उसमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर उपयोग के अधिकार के अर्जन या भूमि के भीतर पाइपलाइन बिछाने के विरोध में श्री. सुकान्त कुमार प्रधान सक्षम प्राधिकारी, पारादीप हल्दिया कृड ऑयल पाइपलाइन परियोजना, इंडियन ऑयल कॉरपोरेशन लिमिटेड मार्केटिंग हाउसिंग कॉम्पलेक्स मेघदम्बारा, डाकघर - कुरुदा, बालासोर-756050 (उड़ीसा) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिल्हा: केद्रपाडा

राज्य : उड़ीसा

तहसील का नाम	गाँव का नाम	खसरा संख्या	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
1	2	3	4	5	6
राजकोनिका	परिनुआपाडा	2157	00	09	97
		2096	00	05	59
		2099	00	00	10
		2097	00	04	56
		2098	00	02	25
		2090	00	00	43
		2089	00	07	90
		2082	00	00	25
		2083	00	00	76
		2085	00	00	13
		2694	00	02	41
		2086	00	02	68
		2029	00	02	94
		2030	00	04	32
		2684	00	03	96
		2031	00	02	30
		2032	00	01	04

1	2	3	4	5	6
		2033	00	00	10
		2020	00	06	80
		2021	00	00	69
		2017	00	01	10
		2019	00	00	83
		2607	00	01	03
		2018	00	03	40
		2006	00	01	73
		2014	00	00	43
		2007	00	02	28
		2005	00	03	44
		2000	00	07	25
		1999	00	04	50
		2653	00	01	71
		1998	00	05	62
		1994	00	02	99
		1982	00	09	47
		1993	00	00	19
		1983	00	00	50
		1767	00	08	82
		1765	00	07	04
		1760	00	03	20
		1757	00	04	00
		1758	00	04	14
		1761	00	05	13
		1755	00	03	96
		1754	00	02	17
		2600	00	00	40
		1759	00	03	15
		1753	00	02	00
		1388	00	03	06
		1389	00	02	24
		1390	00	03	13
		1393	00	01	40
		1431	00	14	53
		1520	00	00	60

1	2	3	4	5	6
		1521	00	02	88
		1522	00	10	80
		1526	00	00	20
		1527	00	00	20
		1529	00	00	10
		1517	00	11	00
		1392	00	02	80
		1387	00	03	20
		382	00	09	72
		353	00	00	20
		355	00	01	64
		354	00	01	81
		356	00	02	47
		352	00	11	47
		351	00	09	96
		349	00	10	92
		368	00	00	10
		369	00	00	49
		247	00	09	24
		248	00	06	70
		246	00	01	19
		222	00	02	95
		2465	00	01	15
		221	00	03	94
		215	00	00	43
		257	00	00	15
		214	00	08	15
		216	00	10	50
		217	00	00	17
		210	00	07	99
		207	00	06	94
		206	00	01	06
		55	00	06	45
		54	00	07	42
		59	00	05	09
		80	00	02	93

1	2	3	4	5	6
		60	00	00	28
		63	00	06	15
		64	00	06	90
		65	00	04	88
		66	00	03	26
		109	00	01	17
		40	00	00	10
		38	00	02	70
		37	00	05	52
		28	00	08	52
		29	00	02	96
		1	00	00	86
		24	00	01	44
		27	00	00	84
		26	00	04	82
		25	00	01	31
	मिर्जापुर	608	00	06	69
		613	00	03	50
		611	00	06	05
		1117	00	06	30
		604	00	06	70
		603	00	02	43
		615	00	00	55
		600	00	02	76
		599	00	02	46
		1037	00	00	10
		596	00	03	70
		594	00	10	11
		595	00	02	21
		1031	00	01	65
		563	00	04	41
		565	00	07	38
		566	00	00	10
		558	00	04	06
		1046	00	06	29
		550	00	00	38

1	2	3	4	5	6
		556	00	02	67
		551	00	05	75
		552	00	04	70
		553	00	04	25
		1055	00	00	10
		366	00	01	23
		365	00	06	12
		362	00	07	77
		347	00	00	83
		349	00	00	10
		350	00	00	10
		1068	00	01	57
		1067	00	04	20
		247	00	00	10
		248	00	09	95
		249	00	01	05
		1064	00	02	02
		253	00	07	91
		231	00	02	36
		1038	00	03	09
		234	00	00	10
		232	00	06	22
		233	00	09	17
		1062	00	02	66
		221	00	00	17
		203	00	15	18
		206	00	01	68
		204	00	00	21
		205	00	05	48
		168	00	07	45
		167	00	06	62
		169	00	00	40
		171	00	00	20
		170	00	00	60
		172	00	10	40
		147	00	12	49

1	2	3	4	5	6
		145	00	00	44
		148	00	16	83
		150	00	09	67
		149	00	00	10
		151	00	03	96
		142	00	02	57
		141	00	09	41
		1076	00	03	75
		32	00	05	34
		31	00	02	27
		30	00	01	34
		1073	00	00	94
		26	00	04	84
		25	00	04	70
		23	00	00	10
		1097	00	00	50
		22	00	07	80
		21	00	05	56
		20	00	04	54
		19	00	02	36
		11	00	00	63
	कोथापाही	177	00	04	48
		176	00	07	02
		175	00	01	75
		168	00	12	50
		312	00	01	10
		266	00	01	83
		167	00	03	25
		166	00	02	93
		165	00	00	80
		147	00	12	45
		269	00	27	90
		132	00	01	04
		141	00	02	00
		281	00	05	85

1	2	3	4	5	6
		123	00	00	10
		122	00	08	32
		120	00	11	56
		119	00	06	26
		118	00	04	86
		117	00	01	98
		80	00	06	09
		78	00	02	38
		77	00	02	13
		76	00	10	80
		75	00	05	46
		74	00	03	24
		73	00	03	27
		72	00	04	68
		67	00	00	81
		79	00	01	76
	बालीयन्धा	493	00	40	27
		494	00	10	04
		535	00	00	37
		489	00	05	48
		495	00	01	06
		717	00	03	53
		478	00	03	96
		477	00	08	70
		481	00	00	11
		473	00	06	11
		471	00	03	56
		472	00	01	97
		466	00	02	51
		469	00	05	41
		450	00	06	06
		455	00	03	32
		456	00	02	54
		458	00	12	14
		714	00	01	39

1	2	3	4	5	6
		435	00	27	86
		440	00	10	68
		441	00	04	00
		439	00	04	22
		2	00	02	84
		4	00	00	10
		1	00	16	10
	अगापाड़ा	1343	00	02	80
		1344	00	01	11
		1341	00	04	39
		1339	00	04	82
		1342	00	04	67
		1209	00	00	37
		1227	00	00	78
		1229	00	05	67
		1228	00	00	10
		1336	00	04	72
		1230	00	09	51
		1237	00	08	97
		1238	00	00	88
		1240	00	06	48
		1246	00	04	30
		1245	00	03	64
		1244	00	01	50
		1303	00	03	85
		1309	00	00	90
		1310	00	05	82
		1311	00	03	99
		1317	00	02	54
		1319	00	07	85
	पेगरपाड़ा	1898	00	04	05
		1897	00	00	10
		1895	00	00	23
		1894	00	05	55

1	2	3	4	5	6
		1229	00	08	50
		1226	00	09	62
		1225	00	04	77
		1237	00	01	02
		1212	00	02	43
		1211	00	06	08
		2143	00	02	64
		1213	00	10	79
		1210	00	00	10
		1214	00	00	10
		652	00	26	65
		608	00	00	10
		609	00	28	97
		611	00	00	71
		610	00	12	96
		612	00	01	10
		613	00	03	69
		430	00	04	83
		634	00	01	74
		651	00	14	12
		650	00	00	50
		655	00	01	27
		656	00	13	22
		657	00	04	91
		658	00	11	28
		515	00	01	18
		661	00	00	10
		660	00	08	77
		676	00	01	00
		514	00	00	10
		512	00	15	30
		511	00	03	20
		508	00	03	17
		501	00	00	56
		500	00	01	47

1	2	3	4	5	6
		509	00	12	12
		499	00	00	10
		689	00	00	51
		2187	00	04	98
		690	00	01	00
		707	00	14	13
		706	00	00	10
		708	00	07	66
		709	00	00	10
		712	00	01	38
		710	00	05	44
		711	00	02	99
		821	00	01	70
		820	00	00	81
		822	00	05	03
		819	00	03	57
		818	00	05	38
		815	00	07	65
		814	00	14	99
		813	00	11	09
		810	00	09	87
		806	00	05	78
		809	00	04	23
		807	00	00	10
		808	00	05	97
		2237	00	07	86
		789	00	13	83
		788	00	15	09
		787	00	02	65
	नाहुली	161	00	02	36
		160	00	12	05
		159	00	01	09
		150	00	53	00
		126	00	06	43
		124	00	15	87

1	2	3	4	5	6
		135	00	06	34
		120	00	03	37
		79	00	12	79
		97	00	00	49
		85	00	26	32
		86	00	00	63
		58	00	01	90
		65	00	06	32
		64	00	06	26
		59	00	00	10
		63	00	05	57
		62	00	05	78
		51	00	02	70
पन्ती		3328	00	00	84
		3242	00	12	21
		3238	00	07	64
		3239	00	02	38
		3240	00	00	73
		3235	00	05	48
		3234	00	00	56
		3233	00	01	93
		3232	00	04	90
		3231	00	04	74
		3230	00	04	11
		3229	00	02	64
		3228	00	09	18
		3314	00	01	31
		3227	00	00	17
		2857	00	07	41
		3059	00	00	10
		2850	00	03	70
		2858	00	01	46
		2863	00	02	43
		2864	00	09	80
		2866	00	03	76

1	2	3	4	5	6
		3657	00	13	81
		2867	00	11	40
		2868	00	01	46
		2869	00	01	15
		2870	00	00	10
		2865	00	08	81
		2792	00	01	55
		2876	00	02	86
		2791	00	03	72
		2783	00	13	82
		2782	00	02	07
		2775	00	09	96
		2883	00	01	21
		2886	00	11	83
		2887	00	22	26
		2909	00	15	03
		2904	00	70	03
		2651	00	19	50
		1421	00	08	79
		1422	00	01	15
		1420	00	04	19
		1419	00	01	72
		3775	00	00	93
		1425	00	02	91
		1418	00	00	70
		1426	00	10	14
		1436	00	07	36
		1376	00	05	15
		1377	00	02	09
		1378	00	04	11
		1379	00	02	85
		1380	00	03	57
		1381	00	03	23
		1383	00	00	64
		1382	00	06	38

1	2	3	4	5	6
		1330	00	06	76
		1329	00	02	56
		1328	00	00	10
		3352	00	04	18
		1335	00	12	05
		3599	00	02	29
		3598	00	04	96
		1339	00	02	56
		1297	00	03	35
		1296	00	07	85
		1285	00	04	79
		1295	00	02	32
		1283	00	00	25
		1286	00	03	15
		1287	00	02	00
		1288	00	05	58
		1289	00	02	68
		1284	00	01	12
		1254	00	03	42
		1252	00	03	24
		1251	00	03	96
		1250	00	01	30
		1534	00	00	30
		1535	00	00	32
		1536	00	00	82
		1538	00	03	70
		1540	00	06	01
		1544	00	04	64
		1547	00	03	67
		1545	00	03	96
		1546	00	02	97
		2513	00	02	27

1	2	3	4	5	6
		1626	00	00	57
		1622	00	14	67
		1613	00	00	93
		1623	00	14	84
		3520	00	00	40
		1387	00	00	10
		1950	00	14	80

[फा. सं. आर-25011/12/2004-ओ.आर.-1]

एस. के. चिटकारा, अवर सचिव

New Delhi, the 29th March, 2007

S. O. 925.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum (crude) from Paradip in the State of Orissa to Haldia in the State of West Bengal, a pipeline should be laid by Indian Oil Corporation Limited;

And whereas in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in land in Tehsil Rajkonika, District Kendrapada vide number S.O. 3300 dated the 16th December, 2004 and subsequently under sub-section (1) of section 6 of the said Act, the Central Government vide number S.O. 1190 dated 1st April 2005 acquired the right of user in land in Tehsil Rajkonika, District Kendrapada to lay the said pipeline;

And whereas patent errors have occurred in the said notifications due to which it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in the land described in the Schedule annexed to this notification and after supersession of the notifications number S.O. 3300, dated the 16th December, 2004 and S.O. 1190, dated the 1st April 2005 in so far as they relate to the land in Tehsil Rajkonika, District Kandrapada, declare its intention to acquire the right of user therein afresh;

Now therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri Sukanta Kumar Pradhan, Competent Authority, Indian Oil Corporation Limited, Paradip-Haldia Crude Oil Pipeline Project, Indian Oil Corporation Limited Marketing Housing Complex, Meghadambaru, Post Office-Kuruda, Balasore (Orissa).

Schedule**District :Kendrapara****State : Orissa**

Name of Tehsil	Name of Village	Khasra No.	Area		
			Hectare	Are	Sq. mtr.
1	2	3	4	5	6
Rajkonika	Parinuapada	2157	00	09	97
		2096	00	05	59
		2099	00	00	10
		2097	00	04	56
		2098	00	02	25
		2090	00	00	43
		2089	00	07	90
		2082	00	00	25
		2083	00	00	76
		2085	00	00	13
		2694	00	02	41
		2086	00	02	68
		2029	00	02	94
		2030	00	04	32
		2684	00	03	96
		2031	00	02	30
		2032	00	01	04
		2033	00	00	10
		2020	00	06	80
		2021	00	00	69
		2017	00	01	10
		2019	00	00	83
		2607	00	01	03
		2018	00	03	40
		2006	00	01	73
		2014	00	00	43
		2007	00	02	28
		2005	00	03	44
		2000	00	07	25
		1999	00	04	50

1	2	3	4	5	6
		2653	00	01	71
		1998	00	05	62
		1994	00	02	99
		1982	00	09	47
		1993	00	00	19
		1983	00	00	50
		1767	00	08	82
		1765	00	07	04
		1760	00	03	20
		1757	00	04	00
		1758	00	04	14
		1761	00	05	13
		1755	00	03	96
		1754	00	02	17
		2600	00	00	40
		1759	00	03	15
		1753	00	02	00
		1388	00	03	06
		1389	00	02	24
		1390	00	03	13
		1393	00	01	40
		1431	00	14	53
		1520	00	00	60
		1521	00	02	88
		1522	00	10	80
		1526	00	00	20
		1527	00	00	20
		1529	00	00	10
		1517	00	11	00
		1392	00	02	80
		1387	00	03	20
		382	00	09	72
		353	00	00	20
		355	00	01	64

1	2	3	4	5	6
		354	00	01	81
		356	00	02	47
		352	00	11	47
		351	00	09	96
		349	00	10	92
		368	00	00	10
		369	00	00	49
		247	00	09	24
		248	00	06	70
		246	00	01	19
		222	00	02	95
		2465	00	01	15
		221	00	03	94
		215	00	00	43
		257	00	00	15
		214	00	08	15
		216	00	10	50
		217	00	00	17
		210	00	07	99
		207	00	06	94
		206	00	01	06
		55	00	06	45
		54	00	07	42
		59	00	05	09
		80	00	02	93
		60	00	00	28
		63	00	06	15
		64	00	06	90
		65	00	04	88
		66	00	03	26
		109	00	01	17
		40	00	00	10
		38	00	02	70
		37	00	05	52

1	2	3	4	5	6
		28	00	08	52
		29	00	02	96
		1	00	00	86
		24	00	01	44
		27	00	00	84
		26	00	04	82
		25	00	01	31
Mirajpur		608	00	06	69
		613	00	03	50
		611	00	06	05
		1117	00	06	30
		604	00	06	70
		603	00	02	43
		615	00	00	55
		600	00	02	76
		599	00	02	46
		1037	00	00	10
		596	00	03	70
		594	00	10	11
		595	00	02	21
		1031	00	01	65
		563	00	04	41
		565	00	07	38
		566	00	00	10
		558	00	04	06
		1046	00	06	29
		550	00	00	38
		556	00	02	67
		551	00	05	75
		552	00	04	70
		553	00	04	25
		1055	00	00	10
		366	00	01	23
		365	00	06	12

1	2	3	4	5	6
		362	00	07	77
		347	00	00	83
		349	00	00	10
		350	00	00	10
		1068	00	01	57
		1067	00	04	20
		247	00	00	10
		248	00	09	95
		249	00	01	05
		1064	00	02	02
		253	00	07	91
		231	00	02	36
		1038	00	03	09
		234	00	00	10
		232	00	06	22
		233	00	09	17
		1062	00	02	66
		221	00	00	17
		203	00	15	18
		206	00	01	68
		204	00	00	21
		205	00	05	48
		168	00	07	45
		167	00	06	62
		169	00	00	40
		171	00	00	20
		170	00	00	60
		172	00	10	40
		147	00	12	49
		145	00	00	44
		148	00	16	83
		150	00	09	67
		149	00	00	10
		151	00	03	96

1	2	3	4	5	6
		142	00	02	57
		141	00	09	41
		1076	00	03	75
		32	00	05	34
		31	00	02	27
		30	00	01	34
		1073	00	00	94
		26	00	04	84
		25	00	04	70
		23	00	00	10
		1097	00	00	50
		22	00	07	80
		1071	00	05	26
		21	00	05	56
		20	00	04	54
		19	00	02	36
		11	00	00	63
Kothapahi		177	00	04	48
		176	00	07	02
		175	00	01	75
		168	00	12	50
		312	00	01	10
		266	00	01	83
		167	00	03	25
		166	00	02	93
		165	00	00	80
		147	00	12	45
		269	00	27	90
		132	00	01	04
		141	00	02	00
		281	00	05	85
		123	00	00	10
		122	00	08	32
		120	00	11	56

1	2	3	4	5	6
		119	00	06	26
		118	00	04	86
		117	00	01	98
		80	00	06	09
		78	00	02	38
		77	00	02	13
		76	00	10	80
		75	00	05	46
		74	00	03	24
		73	00	03	27
		72	00	04	68
		67	00	00	81
		79	00	01	76
Balibhanda		493	00	40	27
		494	00	10	04
		535	00	00	37
		489	00	05	48
		495	00	01	06
		717	00	03	53
		478	00	03	96
		477	00	08	70
		481	00	00	11
		473	00	06	11
		471	00	03	56
		472	00	01	97
		466	00	02	51
		469	00	05	41
		450	00	06	06
		455	00	03	32
		456	00	02	54
		458	00	12	14
		714	00	01	39
		435	00	27	86
		440	00	10	68

1	2	3	4	5	6
		441	00	04	00
		439	00	04	22
		2	00	02	84
		4	00	00	10
		1	00	16	10
Agapada		1343	00	02	80
		1344	00	01	11
		1341	00	04	39
		1339	00	04	82
		1342	00	04	67
		1209	00	00	37
		1227	00	00	78
		1229	00	05	67
		1228	00	00	10
		1336	00	04	72
		1230	00	09	51
		1237	00	08	97
		1238	00	00	88
		1240	00	06	48
		1246	00	04	30
		1245	00	03	64
		1244	00	01	50
		1303	00	03	85
		1309	00	00	90
		1310	00	05	82
		1311	00	03	99
		1317	00	02	54
		1319	00	07	85
Pegarpada		1898	00	04	05
		1897	00	00	10
		1895	00	00	23
		1894	00	05	55
		1229	00	08	50
		1226	00	09	62

1	2	3	4	5	6
		1225	00	04	77
		1237	00	01	02
		1212	00	02	43
		1211	00	06	08
		2143	00	02	64
		1213	00	10	79
		1210	00	00	10
		1214	00	00	10
		652	00	26	65
		608	00	00	10
		609	00	28	97
		611	00	00	71
		610	00	12	96
		612	00	01	10
		613	00	03	69
		430	00	04	83
		634	00	01	74
		651	00	14	12
		650	00	00	50
		655	00	01	27
		656	00	13	22
		657	00	04	91
		658	00	11	28
		515	00	01	18
		661	00	00	10
		660	00	08	77
		676	00	01	00
		514	00	00	10
		512	00	15	30
		511	00	03	20
		508	00	03	17
		501	00	00	56
		500	00	01	47
		509	00	12	12
		499	00	00	10
		689	00	00	51

1	2	3	4	5	6
		2187	00	04	98
		690	00	01	00
		707	00	14	13
		706	00	00	10
		708	00	07	66
		709	00	00	10
		712	00	01	38
		710	00	05	44
		711	00	02	99
		821	00	01	70
		820	00	00	81
		822	00	05	03
		819	00	03	57
		818	00	05	38
		815	00	07	65
		814	00	14	99
		813	00	11	09
		810	00	09	87
		806	00	05	78
		809	00	04	23
		807	00	00	10
		808	00	05	97
		2237	00	07	86
		789	00	13	83
		788	00	15	09
		787	00	02	65
Nahuni		161	00	02	36
		160	00	12	05
		159	00	01	09
		150	00	53	00
		126	00	06	43
		124	00	15	87
		135	00	06	34
		120	00	03	37
		79	00	12	79
		97	00	00	49

1	2	3	4	5	6
		85	00	26	32
		86	00	00	63
		58	00	01	90
		65	00	06	32
		64	00	06	26
		59	00	00	10
		63	00	05	57
		62	00	05	78
		51	00	02	70
Panki		3328	00	00	84
		3242	00	12	21
		3238	00	07	64
		3239	00	02	38
		3240	00	00	73
		3235	00	05	48
		3234	00	00	56
		3233	00	01	93
		3232	00	04	90
		3231	00	04	74
		3230	00	04	11
		3229	00	02	64
		3228	00	09	18
		3314	00	01	31
		3227	00	00	17
		2857	00	07	41
		3059	00	00	10
		2850	00	03	70
		2858	00	01	46
		2863	00	02	43
		2864	00	09	80
		2866	00	03	76
		3657	00	13	81
		2867	00	11	40
		2868	00	01	46
		2869	00	01	15
		2870	00	00	10

1	2	3	4	5	6
		2865	00	08	81
		2792	00	01	55
		2876	00	02	86
		2791	00	03	72
		2783	00	13	82
		2782	00	02	07
		2775	00	09	96
		2883	00	01	21
		2886	00	11	83
		2887	00	22	26
		2909	00	15	03
		2904	00	70	03
		2651	00	19	50
		1421	00	08	79
		1422	00	01	15
		1420	00	04	19
		1419	00	01	72
		3775	00	00	93
		1425	00	02	91
		1418	00	00	70
		1426	00	10	14
		1436	00	07	36
		1376	00	05	15
		1377	00	02	09
		1378	00	04	11
		1379	00	02	85
		1380	00	03	57
		1381	00	03	23
		1383	00	00	64
		1382	00	06	38
		1330	00	06	76
		1329	00	02	56
		1328	00	00	10
		3352	00	04	18
		1335	00	12	05
		3599	00	02	29
		3598	00	04	96

1	2	3	4	5	6
		1339	00	02	56
		1297	00	03	35
		1296	00	07	85
		1285	00	04	79
		1295	00	02	32
		1283	00	00	25
		1286	00	03	15
		1287	00	02	00
		1288	00	05	58
		1289	00	02	68
		1284	00	01	12
		1254	00	03	42
		1252	00	03	24
		1251	00	03	96
		1250	00	01	30
		1534	00	00	30
		1535	00	00	32
		1536	00	00	82
		1538	00	03	70
		1540	00	06	01
		1544	00	04	64
		1547	00	03	67
		1545	00	03	96
		1546	00	02	97
		2513	00	02	27
		1626	00	00	57
		1622	00	14	67
		1613	00	00	93
		1623	00	14	84
		3520	00	00	40
		1387	00	00	10
		1950	00	14	80

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 1 मार्च, 2007

का.आ. 926.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इण्डिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. II, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1073/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-03-2007 को प्राप्त हुआ था।

[सं. एल-12012/177/1991-आई आर (बी-III)/बी-1]

अजय कुमार, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st March, 2007

S.O. 926.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1073/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. II, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 01-03-2007.

[No. L-12012/177/1991-IR(B-III)/B-I]
AJAY KUMAR, Desk Officer**ANNEXURE****CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH**

Shri Kuldeep Singh, Presiding Officer

Case I. D. No. 1073/2005

Registered on 20-09-2005

Date of Decision 5-01-2007

Jit Kumar through SBI Staff Congress, 3135/22-D,
Chandigarh ... Petitioner**Versus**The Regional Manager, State Bank of India
Region-II, Punjab, Zonal Office (Punjab) Sector-17,
Chandigarh ... Respondent**APPEARANCE:**

For the Workman : Shri J. G. Verma

For the Management : Shri A. C. Jaidka

AWARD

The following reference was received for adjudication from Govt. of India vide their order No. L-12012/177/91-IR(B-III) dated 17th/18th Sep., 1991:—

“Whether the action of the Regional Manager-II, State Bank of India, Chandigarh in dismissing the

services w.e.f. 28-12-1989, of Shri Jit Kumar, Clerk-cum-typist is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

After the notice of the reference was given to the parties, they appeared through their representatives. The workman filed his statement of claim and after the Written Statement of the Management, he filed the replication. He also filed his affidavit whereas the Management filed the affidavit of Shri P. C. Dhall, their witness in support of the Written Statement. They also placed on record the photocopies of the inquiry proceedings running into a number of pages. The parties also lead oral evidence. The workman appeared as a witness in support of his claim whereas the Management examined Shri P. C. Dhall on two occasions i.e. on 27th Sep., 1995 and on 22nd Feb., 2001. They also produced Shri J. S. Grewal, as their witness.

As made out in the statement of claim, the grievance of the workman is that the Management placed him under suspension on 20th June, 1988, for having committed fraud of Rs. 570, while working on Despatch Seat and for having destroyed four pages of the Despatch Register pertaining to the Registered letters thereby tempered with the record of the Management Bank; that the Management asked the workman to reply the charges by the same evening, whereas he was entitled atleast 10 days time to submit the reply. The Branch Manager of Tibrim Branch alongwith other staff members pressurized the workman to give confessional statement with the assurance that his services will not be dispensed with in case he admitted his guilt. The Branch Manager and other staff members, by doing so, tried to screen the conduct of those staff members who were responsible for checking the Despatch Register; that during the inquiry the workman withdrew his confessional statement but the plea of the workman was rejected without any reason. The Management could not prove the guilt of the workman as there cause a number of contradictions and discrepancies in the statements of the witnesses produced. It is further the claim of the workman that the Management did not follow the provisions of the Shastri Award while holding the Inquiry; that the punishment awarded was harsh; that the Disciplinary Authority and the Appellate Authority did not consider the plea of the workman prospectively. They violated the principles of natural justice, equity and good conscious. He in the end prayed for quashing the order of the Management by which he was dismissed from the service by declaring the same as arbitrary, unjustified in nature and he may be reinstated with back wages and all consequential benefits which he would get what for the order of his dismissal.

The Management has opposed the claim of the workman, both on facts and in law. It is their case that the workman, while posted as Clerk/Typist, in Tibri Branch, under the headquarter of Chandigarh, misappropriated

funds of the Bank on 16 occasions between 17th Feb., to 16th May, 1988. His modus operandi was that he would re-enter the mail of the Bank, already Despatched, while using the already procured receipts issued by the Post Office and would increase the expenses of the Bank under Postage Head and would pocket the amount so shown to have been spent for sending the letters. He also destroyed four pages of the Despatch Register containing the particulars of the Registered letters. He was, therefore, charge sheeted. He confessed his guilt. The Management despite that initiated Departmental Inquiry against him so as to give him full opportunity to put up his case. In the inquiry the charges were proved against the workman. The Disciplinary Authority gave personal hearing to the workman before passing the final order by which he was awarded the punishment of dismissal. He filed an appeal against that order. The Appellate Authority gave personal hearing to the workman, but he agreed with the decision taken by the Disciplinary Authority and approved the dismissal of the workman w.e.f. 28th Dec., 1989.

In reply to the averments made by the workman, it is stated by the management that the workman was placed under suspension for misappropriating the funds of the Bank; that the charge sheet was served upon the workman on 10th August, 1988 and he submitted reply thereto on 25th August, 1988. Denying the claim of the workman that he was forced by the staff members to confess his guilt, it is stated by them that the workman had admitted his guilt at his own free will. He also deposited, in person, the amount of Rs. 570.80. The charges were proved against the workman during the inquiry. The inquiry was conducted in fair and proper manner; and that the order of the Disciplinary and Appellate was well justified being based upon the facts and was not against the principles of natural justice. The misconduct committed by the workman was proved by the evidence produced by the management. The Disciplinary Authority applied its mind before passing the order of his dismissal, which is a speaking order. According to them the workman is not entitled to any relief.

The workman filed rejoinder and reiterated the facts stated in the statement of claim. He stated that the Head Cashier used to check the Despatch Register. The receipts of money paid were duly checked. Thus the checking officer was also responsible for the alleged misappropriation; that the checking officer took undue benefit of ill health of the workman and he was pressurized to make confessional statement. The Management, therefore, made the workman a scapegoat. He further claimed that he had requested for further time but was not given the same and was made to submit dictated reply and was also made to sign the same on the assurance that he will be reinstated in service. According to him the amount of Rs. 570.80 was paid after collecting the same from the officials who were involved in the incident. Thus it was a drama played to save those who were responsible for checking. It is also his submission

that the evidence of the management was not upto the mark as it contained several contradictions. It is also his case that the Management had not conducted a fair and proper inquiry, to bring out the truth. The orders of the Disciplinary and Appellate Authority were not supported by valid evidence, therefore, the award be passed against them, by reinstating the workman in service with full back wages and continuity in service.

As stated earlier the workman not only filed his affidavit but also appeared as a witness. In his statement he claimed that he had not committed the fraud in the Bank nor he had an enmity with the Branch Manager concerned, however, the Branch Manager had summoned his wife and got the amount of Rs. 500 deposited. On the one hand he claimed that the amount was deposited by the employees who were concerned with the checking of record and on the other hand he claimed that the amount was paid by his wife. He admitted that he had filed the reply to the show cause notice fifteen days after the receipt of the same but claimed in the Petition that he was not given ten days to file the reply. He proved his affidavit W-1 as correct. The management examined P.C. Dhall, who in his statement, proved his affidavit M-1, and stated that he has no personal knowledge about the case and whatever he has stated in the affidavit, is based upon the record. He proved his another affidavit dated 27th Sep., 1995 and documents M-2 to M-12. He further stated that the workman was assigned the duty of entering registered letters. The receipts issued by the Postal Authorities used to be kept in the Despatch Register. He admitted that the checking officer had not crossed the receipts checked by him, therefore, he was punished with caution whereas the workman was dismissed from service. The other witness of the management, J. S. Grewal, by his statement proved the inquiry proceedings exhibit M-13 and stated that he has no knowledge that another official was also charge sheeted with the workman and what punishment was awarded to the workman and the other official.

After going through the pleadings of the parties I find that this is a case in which the workman was punished after holding a domestic inquiry. The workman in the Claim Petition itself admitted that he was placed under suspension on 20th June, 1988 and was charge sheeted for having misappropriated an amount of Rs. 570 of the Bank, by falsely showing the Registered Letters Despatched and for destroying four pages of the Despatch register maintained about the registered letters. His grievance only is that he was given less time to submit reply to the charge sheet as he was entitled to submit the reply within 10 days whereas the Branch Manager had asked him to give the reply by the close of the day. This allegation of the workman of having got less time to submit the reply fades away as the workman had been served with the chargesheet on 10th August, 1988 and he submitted the reply on 25th August, 1988 as is claimed by the management in the

Written Statement in Para 3 on merits and admitted by the workman in the replication.

The workman filed replication where he claimed that when he requested the Management on 20th August, 1988, to give him further time to submit the reply he was called by the Branch Manager and on 25th August, 1988, he was pressurized to submit a dictated reply to the chargesheet, with the assurance, that he will be reinstated in service. This claim the workman made on 9th March, 1994. Before that he had filed an appeal against an order of the Disciplinary Authority where he meekly claimed that the confessional statement was made under the dictates of the Branch Manager. He nowhere claimed that he had been pressurized to make the statement, during the proceedings in this Court. The workman did not produce any evidence to show that he had been pressurized to make a confessional statement. He did not even put a question or suggestion to the witnesses of the Management that he had made the confessional statements under pressure and who exerted that pressure is also not shown. He could have summoned the Branch Manager in such a case who, according to the workman, had exerted the pressure on him. The workman also did not summon any of the other employees in whose presence as claimed by him, in the appeal, the confessional statement was procured. One can make such wild allegation after coming to know the mind of the competent authority but such a conduct is not natural but afterthought. Why he did not allege this fact during the inquiry as he was well represented by a seasonal defence representative.

Now coming to the record of the file I find that the workman nowhere denied that he had not re-entered the letters shown to have been sent by the Registered Post, which in fact had already sent and for sending the same he had raised the bill and drawn the money. He repeatedly stressed upon the fact that the checking officer was equally responsible, but the Management left him whereas dismissed with the services of the workman. In para no. 7 of the Claim Petition he further raised the point that the Registered Letter sent had double crossing which showed that there was a connivance of the checking officer. It is not the question under consideration as to what was the role of checking officer. The Tribunal is required to know whether the charge against the workman was justified or not. A thief cannot get escape by claiming that he was not alone in committing the theft and was associated by another person who has not been proceeded against. The workman even in his pleadings has nowhere denied that he was not the person who have made the entries, alleged to have been made, twice or that he had not charged twice for sending the same letters. In substance his claim was only against the Checking Officer that the management did not prosecute him. In my opinion such a claim cannot relieve the workman of his liability, which, in this case, was found to be proved against him. The workman has failed to

overcome the record which the management has proved by their evidence.

It may be noted here that in a case of domestic inquiry this Tribunal has limited jurisdiction. It cannot substitute its opinion to that of the Disciplinary Authority and Appellate Authority on facts. As per the Hon'ble Apex Court as held in AIR 1996 SC 1252 & 1999(1) SCT 642 this authority is not available even to the High Court in the writ jurisdiction and normally the Courts cannot interfere in the finding of the facts arrived at by the Disciplinary Authority and the AA, unless it is shown that the finding of the facts, arrived by those authorities, was perverse or legally untenable. After going through the claim petition I find that the workman has nowhere alleged as to what procedural lapse was committed by the Management while holding the domestic inquiry against him. It is also settled law that in the case of domestic inquiry the Tribunal does not sit in appeal over the finding of the Disciplinary Authority and the Appellate Authority. The question of punishment can also be not touched unless it is shown that the punishment awarded was disproportionate to the misconduct alleged and proved against the workman.

After going through the pleadings of the parties, the documents placed on record and evidence produced by them, it is clear that the workman was served the chargesheet he submitted reply thereto the Management produced evidence against him. The Inquiry Officer provided full opportunity to the workman to defend him during the inquiry, and he was represented by Shri J. G. Verma, a Seasoned Representative of the workers, who all through participated in the inquiry proceedings. It was proved that the workman had deposited the amount alleged to have been misappropriated with him. The workman nowhere disclaimed that the entries shown to have been made by him were not made by him. The Management produced the witnesses like Mohinder Pal, Teller who proved the document alleged to be prepared by the workman. He was fully cross-examined by the representative of the workman. The defence representative cross-examined other witnesses of the Management also, but could not take out anything to show that it was not the workman who had made the entries, alleged to have been made twice. The workman also failed to prove that the confessional statement made was not voluntarily and was under pressure and allurement. It was not once that he made confessional statements. On 25th August, 1988 he made a detailed statement admitting his guilt. He earlier also made statement on 17th May, by which he admitted that he had made the entries and was getting the record checked from the checking officer at the time, he used to be very busy in another job, so that he would not be caught for having made double entries.

After careful consideration of the submissions made by the parties and examining the record of the case, I am of the opinion that the inquiry held against the workman was

fair and proper. The Management proved the charge against the workman. He was, therefore, rightly punished by the Management. In my opinion the punishment awarded was also not disproportionate. It is not the question of large amount or small amount alleged to have been misappropriated. What is important is the conduct of the employee, who is associated with the financial institution. It is shown that the workman had not committed the mistake once but on a number of occasions and that speaks about his attitude. The management rightly decided to dismiss such an employee from service as they could not take the risk, by retaining such an employee and come down in the eyes of those who had entrusted their savings with them. The Plea of ill health of the workman and unfortunate circumstance he claimed to be, he remained also cannot mitigate his lapse. In the circumstances I am of the opinion that the workman is not entitled to any relief. The award is passed against him. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 2 मार्च, 2007

का.आ. 927.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई. सी. एल. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण आसनसोल के पंचाट (संदर्भ संख्या 109/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02-03-2007 को प्राप्त हुआ था।

[सं. एल-22012/443/1998-आई आर (सी-II)]

अजय कुमार गौड़, डेस्क अधिकारी

New Delhi, the 2nd March, 2007

S.O. 927.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 109/1999) of the Central Government Industrial Tribunal-cum-Labour Court Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of ECL and their workman, which was received by the Central Government on 02-03-2007.

[No. L-22012/443/1998-IR(C-II)]

AJAY KUMAR GAUR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT:

Sri Md. Sarfaraz Khan, Presiding Officer

Reference No. 109 of 1999

PARTIES :

Agent. Bejdih-Methani Collieries of M/s. E. C. Ltd.
Methani, Burdwan.

Vrs.

Asstt. General Secretary, Koyala Mazdoor Congress.
Asansol, Burdwan.

REPRESENTATIVES:

For the management : Shri P. K. Goswami,
Advocate.

For the union (Workman) : Shri R. K. Tripathi,
Chief Organising Secretary,
Koyala Mazdoor Congress.
Asansol.

Industry : Coal

State : West Bengal

Dated the 16-03-22005

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide Its letter No. L-22012/443/98/IR (C-II) dated 30-07-1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

"Whether the action of the Management of B. C. Incline of M/s. ECL in dismissing the services of Sh. Suku Majhi, U. G. Loader is justified? If not, to what relief is the workman concerned entitled?"

After having received the Order No. L-22012/443/98/IR (C-II) dated 30-07-1999 of the said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference Case No. 109 of 1999 was registered on 21-09-2001 and accordingly an order to that effect was passed to issue notices to the respective parties through the registered post directing them to appear in the court on the date fixed and to file their written statement along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were issued to the parties concerned. Shri R. K. Tripathi, Chief Organising Secretary of the union for the delinquent workman and Sri P. K. Goswami, Advocate for the management appeared and filed their written statement in support of their respective claims.

2. In brief compass the case of the union as set forth in its written statement is that Suku Majhi was a permanent employee of BC/Patmohana Colliery having his designation as Under ground Loader bearing U/Man No. 134120. He absented from duty with effect from 07-10-1997 to 06-11-97

due to serious illness of his mother as there was none to look after her except himself at his residence.

3. The main case of the union is that Suku Majhi was chargesheeted on 06-11-1997 which was duly replied by him. He was allowed to do his duty in January 98 but subsequently dismissed from his service. He is a humble and illiterate workman who is passing his life as hand to mouth. He is ignorant about the formalities and procedure to be adopted in case of absence from duty.

4. The further case of the union as per the pleading is that the period of absence is less than one month and that is due to some unforeseen family catastrophe. The extreme punishment of dismissal is too harsh and disproportionate to the nature of the misconduct alleged to have been committed by him. He is not involved in any offence of theft or moral turpitude and absenteeism is a natural phenomenon specially in coalfield. In several similarly situated circumstances of the cases the management has considered reinstatement in service. He has got an unblemish record in his service. He has got no record of previous misconduct as well during the tenure of his service record. Suku Majhi belongs to Scheduled Tribe community representing the weaker section of the society who deserves special consideration. It is also claimed that no second show-cause notice was ever issued to him which is against the verdict of the Hon'ble Supreme Court. A relief of reinstatement to the service with all the consequential benefit and with full back wages have been sought.

5. On the other hand the defence in brief as per the averments made in the written statement is that the delinquent workman was in the habit of making absent from duty without sanction or permission. He committed misconduct in absenting himself from duty without leave, for which he was chargesheeted and he had replied the chargesheet, which was not satisfactory and the management decided to conduct a departmental enquiry over the matter and accordingly an enquiry officer was appointed to conduct the enquiry on the basis of the charge sheet. Sufficient opportunities were given to the workman concerned to defend himself for the sake of natural justice.

6. The further case of the management is that the enquiry officer sent notices of enquiry. The workman pleaded his guilt. The enquiry officer after concluding the enquiry found the charges proved and finally submitted his report. The management of B. C. Incline having perused the enquiry report and his past performances approved dismissal of the workman concerned and accordingly he was dismissed. Absenteeism in the coal industry is the habit of the workman which is required to be restrained for the sake of national interest as well as for the interest of the public sector. The effort of the union is not commensurate with their liabilities entrusted upon by the statute. The

union is not entitled to any relief sought for and the reference should be accordingly dismissed.

7. From the perusal of the order sheets of the record it transpires that on 05-04-03 a hearing on the preliminary point was made before the Presiding Officer of this Tribunal. The validity and fairness of the enquiry proceedings was not challenged by the delinquent workman or the representative of the union as he had admittedly participated in the enquiry proceeding. So the enquiry proceeding was held to be fair and valid and accordingly the date was fixed for final hearing the dispute on merit. The final hearing was made on 16-03-2005 and the award was kept reserved for order.

8. In view of the pleadings of the parties and the materials available on the record I find certain facts which are admitted by the respective parties, so before entering into the discussion of the merit of the case I would like to mention the facts which are admitted one.

It is the admitted fact that Suku Majhi U.G. was the permanent employee of Lachipur Colliery of M/s. Eastern Coalfields Limited.

9. The further admitted fact is that the concerned workman was absent from his duty unauthorisedly with effect from 07-10-97 to 06-11-97 without any leave or prior permission and information of the management.

10. It is also the admitted fact that a domestic enquiry was conducted by an enquiry officer and the workman concerned had participated in the enquiry proceeding and sufficient opportunities to defend himself were given. In the domestic enquiry the delinquent workman was held guilty for an unauthorized absence of the relevant period in question. It is also admitted fact that there is no chargesheet against the workman for being habitual absentee.

11. It is the settled principles of law that the facts admitted need not be proved. Since these all facts are admitted one so I do not think proper to discuss the same in detail.

12. On perusal of the record it transpires that none of the parties has examined any oral witness in support of their case. Some Xerox copies of the documents have been filed by the management. Xerox copy of the charge, enquiry proceeding along with its report and the copy of the order of dismissal have been filed. These documents are admitted one as their genuineness, relevancy and contents are not challenged by the union.

13. It is obvious from the enquiry proceedings and its report that the delinquent workman had received the chargesheet and had participated in the enquiry proceedings. He has categorically admitted in his statement that he did not send any written information to the management about the illness of his mother. He has further admitted that he was absent from his duty since 07-10-97

to 06-11-97 due to illness of his mother as there was none except him to look after her.

14. Having gone through the entire facts, circumstances, enquiry proceedings together with its report I find that the workman concerned was admittedly absent from his duty w.e.f. 07-10-97 to 06-11-97 i.e. about a month continuously without any prior permission and information to the management. The enquiry officer has rightly held him guilty for an unauthorized absence w.e.f. 07-10-97 to 06-11-97 under section 10 (G) of the Standing Order applicable to the establishment and in view of the said prevailing facts the workman concerned deserves some suitable punishment for the alleged misconduct proved as provided in the Model Standing Order applicable to the establishment.

15. Now the only main point for consideration before the court is to see as to how far the punishment awarded to the workman concerned by the management is just, proper and proportionate to the alleged nature of misconduct proved.

16. Heard both the representatives of the parties to the dispute in question. It was submitted by the side of the union that it is a simple case of unauthorized absence from duty for about a month only and the absence from duty during the relevant period is duly explained. The absence from duty is about a month and that also under the compelling circumstance beyond his control. The enquiry officer in his findings has nowhere even whispered a word that the unauthorized absence was without any sufficient cause.

17. It was further submitted by the union during his argument that the workman concerned has got unblemish record during the tenure of his service. The management has also not chargesheeted him habitual absence nor any chit of paper in this regard has been filed in the court nor there is any pleading in this regard as well. So it can be easily concluded that it is the first offence of the workman which has been sufficiently explained indicating the compelling circumstance beyond the control of the concerned workman.

18. It was also argued out by the side of the union that it is a simple case of an unauthorized absence for about a month which can not be said to be a gross misconduct. The attention of the court was drawn towards the specific provision of the Model Standing Order where the extreme punishment prescribed is dismissal as per the gravity of the misconduct and it was explained that the extreme penalty can not be imposed upon the workman in such a minor case of alleged misconduct of an unauthorized absence for the longer period of about a month. The submission and the points of argument have got sufficient enough and continuing force on the factual point.

19. It has been several times clearly observed by the different Hon'ble High Courts and the Apex Court as

well that before imposing a punishment of dismissal it is necessary for the disciplinary authority to consider socio-economic background of the workman, his family background, length of service put in by the employee, his past record and other surrounding circumstances including the nature of the misconduct. These are the relevant factors which must have to be kept in mind by the authority at the time of imposing the punishment which has of course been not done in this case.

20. Admittedly the workman concerned is an illiterate man of Majhi by caste who is the member of the scheduled tribes being the member of the weaker section of the society. He is no doubt financially weak and poor who has suffered a lot for about nine years and had never been gainfully employed anywhere as is apparent from the pleading that he is hand to mouth. The attention of the court was drawn by the union towards the provision of the Model Standing Order where various minor punishment have been prescribed to be awarded according to the gravity of the misconduct. In the present case there is misconduct of the unauthorized absence of about a month only more so due to the fact that the mother of the workman was seriously confined to bed and there was none to look after her except the workman himself. He has admitted his guilt that he could not attend his duty during relevant period due to the reasons mentioned above under the compelling circumstance beyond his control and accordingly no information to that effect was sent to the authority concerned. Besides this he was ignorant of the procedure as well in this regard. He begged apology for his misconduct. Besides it is also clear from the record that no second show cause notice was issued to the workman concerned before passing this order of punishment of dismissal which is direct violation of the mandate of the Apex Court in this respect. I fail to think as to why only maximum punishment available under the said clause should be awarded in the prevailing facts and circumstance of the case. It has been observed by the Hon'ble Apex Court that justice must be tempered with mercy and that the delinquent workman should be given an opportunity to reform himself and to be loyal and disciplinary employee of the management. However I am of the considered view that the punishment of dismissal for an unauthorized absence for about a month under the compelling circumstance and without any mala fide intention is not just and proper rather it is too harsh a punishment which is totally disproportionate to the alleged proved misconduct. Such a simple case should have been dealt with leniently by the management. In this view of the matter I think it just and proper to modify and substitute the same exercising the power under section 11(A) of the Industrial Disputes Act, 1947 to meet the ends of justice and as such the impugned order of dismissal of the concerned workman is hereby set aside and he is directed to be reinstated with the continuity of the service and in the light of the facts, circumstance

and the misconduct for which the punishment for dismissal was imposed on the workman concerned, I think it appropriate that the delinquent workman be imposed a punishment of withholding one increment without any cumulative effect. It is further directed that the workman concerned will be entitled to get only 50% of the back wages which will serve the ends of justice. Accordingly it is hereby

ORDERED

21. That let an "Award" be and the same is passed in favour of the delinquent workman. Send the copies of the award to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 2 मार्च, 2007

का.आ. 928.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, चण्डीगढ़ के पंचाट (संदर्भ संख्या 1128/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 01-03-2007 को प्राप्त हुआ था।

[सं. एल-12012/111/1991-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 2nd March, 2007

S.O. 928.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1128/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 01-03-2007.

[No. L-12012/111/1991-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Shri Kuldeep Singh, Presiding Officer

Case I. D. No. 1128/2005

Registered on 22-09-2005

Date of Decision 03-01-2007

Sushil Kumar Singal C/o Shri Pawan Kumar Tareja,
Moti Bagh, Kaithal (Haryana) ... Petitioner

Versus

Regional Manager, Punjab National Bank, Regional
Office, Kurukshetra ... Respondent

APPEARANCE:

For the Workman : Shri Hardayal Singh,
Advocate

For the Management : Shri Rajesh Gupta,
AR

AWARD

This is a reference received from the Govt. of India vide their No. L-12012/111/91/IR B-II dated 31st August, 1991, by which the Appropriate govt. has desired of this Tribunal to adjudicate upon "whether the action of the Management of PNB in relation to their Kaithal Branch in dismissing Shri Sushil Kumar, Ex-cash Peon w.e.f. 9th March, 1988 is justified? If not to what relief the workman is entitled?"

The reference was notified to the parties who appeared through their Counsel/Representatives. The workman filed his statement of claim, the Management their reply. The workman filed the replication and also his affidavit. He also placed on record the photo copies of the Cash book, judgement of the Court of session besides other documents. The management filed the affidavit of Shri J. K. Thapar their witness. They also produced photo-copies of judgement of the judicial Magistrate, Kaithal besides that of other documents. They also filed the affidavit of Shri S. P. Raja their Senior Manager. The workman appeared as a witness, his statement was recorded twice firstly on 18th May, 1994 and then 16th August, 2002 and the management produced Shri J. K. Thapar and S. P. Raja, as their witnesses.

The claim of the workman is that he was appointed as a peon in the Management Bank Branch Kaithal and was confirmed on that post in the year 1977; that on 26th April, 1982 he was given Rs. 5000 for depositing the Telephone Bill in the Post Office but when he visited the post office it was closed. He came back to the Bank, but by that time the working hours closed and, therefore, he could not deposit the amount in the Bank which ultimately he deposited on the next day i.e. 27th April, 1982 in the suspense account; that a criminal case, for misappropriation, was instituted against him with the Police Kaithal and he was convicted by the Sub-Divisional Magistrate Kaithal and punished with rigorous imprisonment of two years on 4th Feb., 1988. On his appeal the session judge Kurukshetra allowed the appeal and he was released on Probation vide his order dated 26th May, 1989. The management, on the basis of the conviction, issued a show cause notice to him, which he received and submitted the reply under R/C on 8th March, 1988. However, the management, in haste, dismissed the workman from service w.e.f. 9th March, 1988, without considering his reply; that the Management, with mala fide mind, dismissed the workman from service. Since the workman was released by the session judge, therefore, no

punishment could be inflicted upon him. Moreover, the workman had deposited the amount of Rs. 5000 in the Bank, therefore, he did not commit any criminal offence; that the Management neither held any inquiry nor charge sheeted the workman before giving him the punishment and therefore, the order of punishment was bad in law. The Appellate Authority also failed in its duty judicially, therefore, the workman is entitled for reinstatement with full back wages, continuity in service and all other consequential benefits.

The management opposed the claim of the workman. It is their case that the workman had committed the criminal breach of trust since he did not deposit the amount of Rs. 5000 given to him and meant for depositing the telephone charges in the Post Office. Kaithal and also he did not return the bicycle by which he had been sent for the job of the Bank. Thereupon the Management reported the matter to the Police which found the allegation true and challaned the workman in the court of Sub-Divisional Judicial Magistrate, Kaithal. After the trial the Learned Magistrate found the allegation proved against the workman and sentenced him to rigorous imprisonment for two years besides a fine of Rs. 400. Thereupon a notice was issued to the workman on 1st March, 1988, to which he did not supply, therefore, the disciplinary authority dismissed him from the service. On an appeal, by the workman the additional session judge maintained the conviction, but gave the benefit of probation under the Probation of Offender Act to the workman and left him on his furnishing necessary bond and assurity. The order of releasing the workman on probation did not obliterate the conviction nor it could be equated with the wiping out of the factum of guilt.

Denying the contents of paras of the Claim Petition, it is stated that in fact the workman was appointed on 28th Dec., 1977; and that since the workman was convicted of criminal offence, therefore, he was awarded the punishment of dismissal under the Bipartite settlement and there was no necessity to have given him the show cause notice before awarding the punishment although the management had issued him the notice but he did not reply. Denying the allegation of mala fide and arbitrariness, it is stated by them that the punishment was awarded in accordance with Bipartite settlement, keeping in mind the gravity of offence committed by him, therefore, the workman was not entitled to any relief.

The workman in the replication reiterated the facts stated in the Claim Petition and did not state anything new or explained any circumstance given by the management in their Written Statement. He only claimed that since the Management was in the knowledge that an appeal has been filed against the judgement of Judicial Magistrate, therefore, they should not have taken any action till the disposal of the appeal. In the affidavit, filed by him, he

again claimed that he had deposited the amount of Rs. 5000 with the bank on the day next to day he was handed over the amount.

In support of his claim the workman appeared as a witness and proved his affidavit Exhibit W-1. Besides document W-2 to W-4. In the cross-examination he admitted that he was given Rs. 5000 for depositing the same with Punjab National Bank department but he could not deposit the same as the receipt counter in the Post Office was closed by the time he reached that he deposited the amount in the suspense account of the Bank on 27th April, 1982, as he could not do that on 26 itself since the concerned account told him that the amount could be deposited on the next morning. He admitted the contents of conciliation proceedings Exhibit M-1 and M-2, but denied that the amount of Rs. 5000 was not in fact deposited by him on 27th April, 1982. He admitted that he was convicted by the Judicial Magistrate but was released by the Session Judge. He also admitted to have received the show cause notice giving him 7 days to file reply thereto, but claimed that he had received the notice on 3rd March, and had sent reply thereto by Registered Cover, but the Management had dismissed him from service on 9th March, 1988. By his subsequent statement, recorded on 16th August, 2002, he proved additional affidavit W-6 and Exhibit W-7 and stated that he cannot produce the original receipt by which he had submitted his reply. He denied that he was summoned for personal hearing or that he had tampered with the date from 26th to 27th April, 1982. He admitted that he had withdrawn Rs. 5000 from his account on 27th July, 1982, to pay back the loan taken from PNB society at Hissar.

The Management examined Messrs J. K. Thapar and S. P. Raja. Shri Thapar by his affidavit proved documents M-4 to M-10 and stated that an amount of Rs. 5000 was deposited in the suspense account so as to adjust the same by debiting to protested advances account. He denied that the workman had deposited Rs. 5000 in the suspense account. He admitted that exhibit W-5 was the copy of the suspense account register. He denied that the Bank had received any reply from the workman dated 8th March, 1988. He further denied to have received letter dated 24th Feb., 1988 from the workman. He also denied that there was any entry of Rs. 5000 having been deposited by the workman in the suspense account. He further denied that the workman was not afforded full opportunity to defend before the order of his dismissal, M-10, was issued. Shri S. P. Raja witness proved his affidavit M-11 and stated that the notice to the workman was delivered on 2nd March, 1988. He denied any knowledge that at the time the services of the workman were terminated, the punishment-awarded to him had been suspended. He denied that the workman had deposited the amount on 27th April, 1982 rather it was debited from the account of the workman to the protested account with the authority of the workman on 27th July, 1982.

From the pleadings of the parties and the evidence produced by them it emerges out that the workman was in the employment of the Management as Cash Peon at Kaithal Branch. On 26th April, 1982, he was given Rs. 5000 Rs. for making the payment in the Post Office as the Telephone Charges of the Telephone installed at the residence of the Branch Manager. The workman left the office on bicycle of the Management Bank but he did not deposit the money in the Post Office nor returned the Bi-cycle; that on a complaint by the management Police investigated in the matter and found a case under Section 406/409 RPC proved against him and challaned him in the court of Judicial Magistrate, Kaithal. After the trial the workman was convicted and punished to undergo imprisonment for two years and also to pay an amount of Rs. 400 as fine. On appeal the learned Additional Session Judge, Kurukshetra released the workman under Probation of Offenders Act after maintaining the conviction, recorded by the Judicial Magistrate. It is here that the parties dispute about the facts. The claim of the workman is that the Management without considering his reply to the notice dismissed him from service whereas the claim of the Management is that they had given 7 days notice to the workman but he did not file the reply to the notice, therefore, the management dismisses him from service under Bi-partite settlement. Para 19.3 of the Bi-partite settlement reads as under :—

- (a) When in the opinion of the Management, an employee has committed an offence, unless he be otherwise prosecuted, the bank may take steps to prosecute him or get him prosecuted and in such a case he may also be suspended.
- (b) If he be convicted, he may be dismissed with effect from the date of his conviction or be given any lesser form of punishment.

Sub-Clause 2 of Clause 93 of the 1st Bi-partite Settlement clearly reads that in case the workman commits offence and is convicted, he may be dismissed from service w.e.f. the date of his conviction or be given any lesser punishment as mentioned in clause 19.6. The law is, therefore, clear. The workman was convicted for an offence and he could be dismissed from service or at the discretion of the Disciplinary Authority he could be given lesser punishment as detailed in Clause 19.6 of the first Bi-partite settlement. As per record of this case, the Disciplinary Authority took the option of dismissing the workman from service. There is no dispute that the conviction of the workman stands even till today. The learned Additional Session Judge Kurukshetra after upholding the conviction recorded by the Judicial Magistrate took a lenient view and left the workman under the provision of the Offenders Act. By that order the learned Session Judge did not disturb the conviction recorded and the Management having found the workman convicted dismissed him from service. The claim of the workman is that the Management should have considered his reply and then takes the decision.

I have examined the record except the statement of the workman there is no prove to show that the workman has submitted his reply. The workman admitted that he had received the show cause notice from the Management but he has failed to prove that he has submitted the reply to the show cause notice. The workman admitted that he had received from the post office. He, however, claimed that he had deposited the amount in the account without showing that why he did so and not deposited the amount in the post office. Intelligently he has tried to make use of the entry in the suspense account which according to the management was the entry required so as to show as to where that amount of Rs. 5000 given to the workman was shown as a complaint was lodged with the Police. If the claim of the workman is true that in fact it was he who has deposited Rs. 5000 in the suspense account of the management Bank. The evidence produced by the management showed that in fact the workman had withdrawn Rs. 5000 on 27th July, 1982 and the said amount was deposited with the Bank on the same day. There is a photocopy of voucher on record to prove this fact. So I find that the workman has failed to show that he had deposited the amount received by him on 27th April, 1982; and that he had submitted the reply to the show cause notice in time but the Management did not consider the same.

The factual position is different than what the workman has claimed. As stated earlier since the workman did not deposit the amount of Telephone Charges with the Post Office, therefore, the Management transferred that amount in the suspense account showing that the utilization of that amount is under dispute and reported the matter to the police for investigation as is argued that could have given the Management, the cause to withdraw further amount so as to pay the Telephone charges showing that the amount earlier drawn was misappropriated and has remained unaccounted for which a criminal case was registered.

As regards the claim of the workman that the Management had not given him the notice before giving him the punishment, it may be noted that the workman himself admitted to have received the notice and did not file the reply within the prescribed period. He claimed that he had sent the reply on 8th March, 1988 whereas the reply should have been received by the Management by 9th March and in no case it could reach the Management on 9th having been sent a day earlier. The workman could very well hand over the reply to the Management by hand if at all he wanted the management to consider the same since he was also residing in the same town where the Disciplinary Authority was stationed. Therefore, there is no weight in the submission of the workman that the Management had punished him without considering his reply. As per the Management the so-called reply never reached them even thereafter. In terms of Sub-Clause B of

Clause 19.3 of the first Bi-partite settlement, it was not obligatory on the part of the Management to have issued notice to the workman before awarding him the punishment. How could the Management retain an employee who was found to have misappropriated the money which was given to him for depositing the same in the Post Office and who had retained the bicycle of the Management which he had allowed to use for going to the Post Office to perform his official duty.

The workman has relied upon a number of judgements including that of the Hon'ble Supreme Court in the case of Shankar Dass V/s. Union of India reported as 1985(2) recent criminal reports 117. In that case the accused could not deposit the amount he was entrusted. He was visited with misfortune as his son died in Feb., 1962 which was followed by another misfortune; his wife fell down from upper storey of the house and was seriously injured; it was then the turn of his daughter who fell seriously ill and was seriously ill for 8 months. It was in those circumstances that the Court took the lenient view and left the accused on probation. Perhaps moved by those circumstances the Hon'ble Supreme Court also held that the dismissal of the Govt. service on the basis of his having been held guilty of the charge, was not proper. But in the present case the workman has not brought on record any such circumstances to show that he was estopped from making the payment of Rs. 5000 because of adverse circumstances. The workman in fact has tried to show by his mischievous approach that he had deposited the money back on the very next date, whereas he made the payment after three months. Therefore, he is not entitled to the benefit he is claiming on the basis of the judgement referred to above. In my opinion the other judgements relied upon by the workman are also of no help to him since the facts in those cases relate to the Govt. Employees who were governed by Article 311 of the Indian Constitution and the service rules. In the case of the workman he was subject to Bi-partite Settlements and the Awards and as noted above, Clause 19.3 of the 1st Bi-partite gave discretion to the Management to dismiss the workman from service when he was proved to have been convicted for a criminal offence. The law laid down by the Punjab and Haryana High Court in the case of State of Punjab v/s. Karnail Singh reported as 1995(1) RSJ 560, is also of no help to the workman for the reason that in that case the Management had not given notice to the workman before imposing the penalty of dismissal on him, but in this case the notice was issued but the workman did not reply to the notice. The Management, therefore, did not violate the principles of natural justice.

After due consideration of the pleadings of the parties, the evidence brought on record I am of the opinion that the action of the Management of Punjab National Bank in dismissing Shri Sushil Kumar, Ex-Cash Peon, of their Kaithal Branch w.c.f. 9th March, 1988, was justified and the

workman is not entitled to any relief. The reference is answered against him. The award is passed. Let a copy of this award be sent to the appropriate govt. for necessary action and the file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 7 मार्च, 2007

का.आ. 929.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अर्नाकुलम के पंचाट (संदर्भ संख्या 337/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05-03-2007 को प्राप्त हुआ था।

[सं. एल-12012/89/2000-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 7th March, 2007

S.O. 929.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 337/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Bank of India and their workmen, which was received by the Central Government on 05-03-2007.

[No. L-12012/89/2000-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

(Tuesday the 20th day of February, 2007/
1st Phalgun, 1928)

I. D. 337/2006

(I.D. 104/2000 of Industrial Tribunal, Alapuzha)

Workman : V. P. Prabha Devi,
D/o Raghavan Pillai,
Chooranollil House,
Devagiri P.O.
Kottayam District-686 555

Adv. Shri H. B. Shenoy

Management : The Regional Manager,
Central Bank of India,
Regional Office,
Ernakulam.

Adv. Shri V. V. Sidharthan

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is :—

“Whether the action of the management of Central Bank of India in relation to their Devagiri Branch in terminating the services of Smt. V. P. Prabha Devi, Safai Karamchari w.e.f. 11-9-1996 is justified? If not, what relief she is entitled to?”

2. This reference was made to Industrial Tribunal, Alapuzha initially. The Industrial Tribunal, Alapuzha found that the termination of service of part-time sweeper, Smt. V. P. Prabha Devi was illegal and violative of S-25F of I.D. Act as she had worked more than 240 days during a period of 12 months prior to her termination and hence she was entitled to be reinstated in service and she would be deemed to be in service till she is validly terminated. This award was challenged before Hon'ble High Court of Kerala in writ petition WP(C) No. 39016/2003. The Hon'ble High Court set aside the award and remanded the matter for reconsideration. It was observed by Hon'ble High Court that the burden is on the worker to prove that she had worked for more than 240 days as claimed by her. This aspect has to be considered with reference to the evidence on record. Thereafter the case was transferred to this court from Industrial Tribunal, Alapuzha.

3. The facts of the case in brief are as follows :—

According to the worker, Smt. V. P. Prabha Devi, she was employed in Devagiri Branch of Central Bank of India as a sweeper on 24-11-1988. It was against a permanent vacancy that she was appointed. She has been working continuously till 11-9-1996. Her service was terminated without giving her notice or compensation in lieu of notice. Though she had been working continuously in permanent vacancy she was treated as a temporary worker just to deprive the status and privileges of a permanent workman. She made several requests for regularization in service. The bank took no steps in that regard. On the other hand she was terminated from service. However juniors to her were retained by the bank. After termination of worker new hands were taken by the bank. The worker had worked for more than 240 days and she is entitled to notice before termination. The bank has violated the procedure under Industrial Disputes Act for termination of service. Therefore the worker is entitled for reinstatement as well as regularization with back wages, continuity of service and other attendant benefits.

4. The management in their written statement contends that the worker was neither engaged continuously nor against any permanent vacancy. The Devagiri Branch had a permanent part-time sweeper from 1-7-1988. She had

been continuously working till her transfer on 4-1-1992. Thereafter one Smt. K. Vijayamma was the permanent part-time sweeper from 27-7-1992 to 31-1-1994. Thereafter the branch had no permanent part-time sweeper from 1-2-1994 to 10-9-1996. During this period several casual workers were employed as part-time sweepers on daily wage basis. The worker had also worked on daily wage basis during this period. However, during 1995-96 she had worked only for 14 days intermittently. There was no occasion for the worker to request for regularization in service as she had no legal right for the same. There is no violation of any provisions of I.D. Act. She had not been in continuous service. There is no question of retrenchment and issuance of any notice as she is not a 'workman' coming within the definition of 'workman' in the I.D. Act. It is denied that juniors to the worker were retained by the bank while terminating the service of the worker. The management made regular appointment in accordance with law. The worker is not entitled for regularization or reinstatement. The Head Office of the bank has issued circulars and guidelines for recruitment and absorption of temporary employees. There is no violation of any provisions of law or circulars in the matter of non-engagement of the worker. She is not entitled for any relief.

5. The worker filed a rejoinder reiterating the contentions in the claim statement and refuting the contentions in the written statement of the management that the plea of management, that several casual workers were employed as part time sweepers and the worker was only one of them, is incorrect. Other than the worker none else were engaged. From November, 1991 to 11-9-1996 the worker was employed continuously without any break or interruption at Devagiri Branch. Though she was employed from 24-11-1988 to October, 1991 there was certain artificial breaks of few days. The worker has put in continuous service of 8 years in the bank.

6. In the light of the above contentions the following points arise for consideration :

- (1) Whether the claimant has worked for more than 240 days continuously prior to her termination?
- (2) Is the worker entitled for reinstatement?
- (3) Is she entitled for regularization?
- (4) To what other relief the worker is entitled?

The evidence consists of the oral testimony of WW1 and Ext. W1 series on the side of worker and MW1 & 2 and Exts. M1 to M6 on the side of management.

7. Point No. (1) :

According to the claimant, Smt. V. P. Prabha Devi, she was working as part-time sweeper since 24-11-1988 till 11-9-1996 continuously and she had worked more than 240

days during a period of 12 months prior to her termination. It is clarified by Hon'ble High Court in the judgement by which the award of Industrial Tribunal, Alapuzha was set aside and remanded, that the burden is on the workman to prove that she had worked 240 days during 12 months preceding her termination. The Hon'ble High Court had referred to the following decisions in the judgement and they are again cited before me by the learned counsel for the management :

Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan (2004) 8 SCC 161; *Municipal Corpn. Faridabad v. Siri Niwas* (2004) 8 SCC 195 and *HUDA v. Jagmal Singh* 2006-III-LLJ 152.

8. On the other hand, the learned counsel for the worker drew my attention to a 3-Judge Bench decision of Hon'ble Supreme Court in *Yellatti R. M. v. Assistant Executive Engineer* 2006-I-LLJ 442. The relevant discussion on the aspect is contained in paragraphs 17 & 18. There is no change in the position in this case also that the burden of proof is on the workman to prove that he had worked 240 days continuously during a period of 12 months prior to his termination. However it was observed that the workman will have practically no documents in his possession to prove his case. He could only discharge his burden by mounting the box and stating his case and also calling for records from the management. If the management is not producing the records called for or not offering satisfactory explanation for non-production, then the court will have to see whether the workman has satisfactorily discharged his burden. In the reported case the worker had produced a certificate issued by management (Assistant Executive Engineer) which showed that the workman had worked from 24-11-1988 to 20-6-1994. The workman had summoned muster-rolls for this period from the management. But the management produced only a few of the muster-rolls and not all the muster-rolls covering the period. The workman had stepped into the witness box and had stated his case. In the circumstances the Hon'ble Supreme Court had interfered with the decision of the Division Bench of the High Court and restored the award of the Labour Court which had directed the management to reinstate the worker with 50 per cent back wages from the date of award. Thus, in the decision cited there was evidence to show (certificate issued by the management) that the workman had worked for more than 240 days and the workman had given evidence also entering the witness box and also had called for relevant documents from the management side.

9. However on facts the case on hand differ. There is neither admission by management nor evidence to prove the continuous service. The claimant has no consistent case. In the claim statement her case is that since 24-11-1988 she was working against a permanent vacancy of part-time sweeper continuously upto her termination on 11-9-1996. After the management filed written statement

the worker made some improvement in her case by filing replication. There it is stated that though she was working from 24-11-1988 to October, 1991 there was some intermittent artificial breaks of few days. However from November, 1991 to 11-9-1996 she was working continuously and without interruption. When the worker was in the box (WW1) in the cross-examination she stated (pg. 5) that during 1988 she had worked only for 3-4 days. Thereafter she was told that as and when her service was required she would be called. But she was not called until 1991. From then onwards till 11-9-1996 she was working continuously without interruption. Thus at various stages she made improvements in her case. On the other hand the management has a consistent case from the time of pleading till evidence that the worker was never employed against any permanent vacancy; that she was working from 24-11-1988, is not correct, that Smt. Ponnamma was the permanent part-time sweeper in Devagiri Branch from 1-17-1988 to 4-1-1992, that Smt. K. Vijayamma was the permanent sweeper from 27-7-1992 to 31-1-1994 and that thereafter till 10-9-1996 nobody was appointed as permanent sweeper. During this period from 1-2-1994 to 9-9-1996 several casual workers were engaged as part-time sweepers on daily wage basis. Smt. Prabha Devi was one of them. She had worked altogether only 14 days from 2-9-1995 to March, 1996 as casual worker in different periods. After 10-9-1996 a regular band was recruited and appointed. MW1 and MW 2 are managers who worked in Devagiri Branch. They have spoken in terms of the contentions of the management. MW2 was there in Devagiri till August, 1966. According to him one Ponnamma and thereafter one Vijayamma were working as permanent part-time sweepers from 1988 to 1994. Thereafter no permanent sweepers were appointed, but the cleaning was done through several casual workers.

10. The worker had summoned 4 documents from the management side. They are : Register of retrenched and temporary employees, P&L misc. daily wages paid account, vouchers and circulars (5 in number). The management produced the vouchers and 3 circulars. They filed an affidavit stating that they are unable to produce the register of retrenched and temporary employees as well as P&L misc. daily wages paid account. It is submitted by the learned counsel for the worker that the management has not given reason for non-production of the P&L misc. daily wages paid account. It is contended that the said account book and the vouchers are the relevant and only documents to prove the number of days that the worker had worked. Since the management has failed to produce the same or offer satisfactory explanation for non-production, an adverse inference has to be drawn against them. It is to be noted that the management has produced about 176 vouchers. It has come out in evidence that the vouchers are maintained in the bank daily-wise and they include all kinds of vouched payments. It was from out of those bundles of vouchers that 176 vouchers were traced out.

They pertain to the period from 1988 to 1996. In the written statement at page 3 the management has given details of engagement of the worker. As per those details she had worked only 14 days as shown below :—

1995	July	:	2 days
1995	August	:	2 days
1995	November	:	2 days
1995	December	:	2 days
1996	February	:	4 days
1996	March	:	2 days

14 days

However, among the vouchers produced here only two vouchers pertain to the period 1995. There is only one voucher regarding the period 1996. However the management admits that the worker had worked 8 days during 1995 and 6 days during 1996. The vouchers produced here show that a number of casual workers were engaged not only during 1995-96 but even prior to that for doing the work of part-time sweeper on daily wage basis. This indicates that the case of the management is more probable and true. Whereas the case of the worker that she has been working continuously against permanent vacancy from 1991 till September, 1996, cannot be correct. Her further case that nobody else was appointed during this period, cannot also be true as there are many vouchers belying this contention. Thus the management has not suppressed documents in order to defeat the case of the worker. They have produced available vouchers pertaining to the period from 1988 to 1996. There can be no doubt that the vouchers for this period must be many in number contained in many bundles. It is not an easy task to trace out relevant vouchers which are kept together with other vouchers for the period from 1988 to 1996. It is against this background that the non-production of P&L misc. daily wages paid account has to be viewed. Besides, the case of the worker is belied by the documents produced by the management regarding appointment of permanent hands from 1988 to 1994. Ext. M2 is appointment order dated 20-7-1988 issued to Smt. V. P. Ponnammma. Ext. M3 is copy of memorandum dated 17-12-1991 containing the order of transfer of Smt. Ponnammma to another branch. Ext. M4 is appointment order of Smt. K. Vijayamma dated 15-7-1992. Ext. M6 is order dated 17-1-1994 transferring Vijayamma to another branch on promotion. Thus the orders issued by the bank reveal that from 1988 to 1994 there were permanent part-time sweepers in the bank. Therefore during this period the claimant could not have worked in permanent vacancy. If at all she was working during this period upto 1994 it would have been only on leave vacancy and not against

permanent vacancy. From among 176 vouchers produced in this case the following vouchers relate to the worker :

Vouchers dated 27-5-1989, 21-7-1989, 5-9-1989, 10-1-1990, 7-2-1990, 22-3-1990, 12-4-1990, 17-4-1990, 8-5-1990, 10-7-1990, 18-7-1990, 1-9-1990, 16-10-1990, 23-1-1991, 7-3-1991, 2-4-1991, 23-7-1991, 10-9-1991, 14-9-1991, 9-7-1992, 27-7-1992, 5-8-1995, 21-12-1995 and 20-2-1996.

All other vouchers relates to payments made to several other casual workers. Thus the vouchers reveal that the claimant was one among the several casual workers working at different intervals and not continuously. At any rate the worker, has to prove that preceding the termination, for a period of 12 months she was working continuously for 240 days in order to claim that she is a 'workman' coming within the definition of S-2 (s) in order to claim the benefits u/s-25F of I.D. Act. Considering these circumstances and the inconsistent version of the worker and in the light of the documentary evidence of Exts. M2, 3, 4 and 6 as well as vouchers (not seen marked in I.T. Alapuzha) it has to be found that the worker has not been able to prove that she has put in 240 days' continuous work prior to her termination. No inference can be drawn against the management for non-production of P&L Miscellaneous Daily Wages Paid Account Book, in view of production of a number of vouchers for the period 1988—1996. On the other hand the worker has not been able to discharge her burden and so the point has to be answered against her.

11. Point No. (2) :

Since the worker was not employed in continuous service for a period of 240 days during the 12 calendar months prior to her termination she is not entitled to the benefits u/s.-S-25F of I.D. Act. By merely becoming a 'workman' within the definition of S-2(s) of I.D. Act one does not get any right for continuance in service or for a retrenchment notice or compensation. The management is free to retrench the service of an employee or a casual worker when the labour is found excessive. Hence for want of notice, termination cannot be called illegal. The worker has not acquired any right under I.D. Act to claim reinstatement.

12. It is mentioned in Para 5 of the claim statement that the management has not complied with the conditions laid down in paragraphs 522, 523 & 524(1) of Sastri Award.

Para 522(4) of Sastri Award is as follows :

"Service of any employee other than permanent employee or probationer may be terminated and he may leave service after 14 days' notice. If such an employee leaves service without giving such notice he shall be liable for a week's pay (including allowances)."

Paragraph 523 reads :

"It is now well settled that in cases where the services of a workman are terminated on grounds of retrenchment some compensation should be payable to him by way of equitable relief. The principle behind it is that the workman is not responsible, in any way, for the loss of his employment. Even where retrenchment is forced upon the managements by reason of circumstances beyond their control, it is but just that they should give compensation for involuntary unemployment of their workmen when they have had the benefit of their services in the past. This is now so well established that it has come to be regarded as more or less a self-evident principle. Reference may also be made in this connection to the most recent decision of the Labour Appellate Tribunal reported in 1953(1) Labour Law Journal, 224.

Paragraph 524(1) reads :

"Temporary employees who are engaged for indefinite periods shall be entitled to one month's pay and allowances. Where, however, temporary employees are engaged for definite periods which have been mentioned in their appointment letters no compensation will be payable."

Temporary employee is defined in the 1st Bipatite Settlement dated 19-10-1966 in paragraph 20.7 as follows :

"In supersession of paragraph 21.20 and sub-clause (c) of paragraph 23.15 of the Desai Award, 'Temporary Employee' will mean a workman who has been appointed for a limited period for work which is of an essentially temporary nature or who is employed temporarily as an additional workman in connection with a temporary increase in work of a permanent nature and includes a workman other than permanent workman who is appointed in a temporary vacancy caused by the absence of a particular permanent workman."

13. In view of this definition of temporary employee the worker cannot be a temporary employee as per Para 524(1) of Sastri Award. However, Para 522(4) of Sastri Award refers to workers other than permanent workers or probationers. Going by that provision in the Sastri Award even a part-time casual worker is entitled to 14 days' notice or in lieu of that a week's pay including allowances. That is all the eligibility of a casual part-time worker like the claimant in this case. But, for want of a termination notice as per Para 522(4) of Sastri Award she cannot claim reinstatement because there is no provision in the Sastri Award for reinstatement in service in case of non-compliance with Para 522(4). Such a right can be claimed only as per the provisions of I.D. Act wherein S-25F mandates service of one month's notice or compensation in lieu of that in case the worker has put in

continuous service of 240 days during a period of 12 months prior to termination. As that is not fulfilled the worker has no right for reinstatement. Point is answered accordingly.

14. (Point No. 3) :

In view of the above finding it follows that the claimant has not acquired any right whatsoever to claim regularization in service especially so in view of the decision in Secretary, State of Karnataka v. Uma Devi 2006 4 SCC 1, that temporary, ad hoc or casual workers have absolutely no right for absorption in service however long they have been working. Therefore the question of regularization is beyond consideration in this case.

15. (Point No. 4) : (See Award portion)

16. In the result, an award is passed finding that the action of the management in terminating the service of Smt. V. P. Prabha Devi, casual part-time sweeper is legal and justified. The worker is not entitled for any relief. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 20th day of February, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Worker :

WW1 : Smt. Prabha Devi.

Witness for the Management :

MW1 : Shri Mohandas

MW2 : Shri Surendran Nair.

Exhibits for the Worker :

W1 series : Copy of circulars dated 13-3-1990, (3 Nos.) 18-9-1990 and 18-2-1991 issued by the Regional Office of Central Bank of India.

Exhibits for the Management :

M1 : Photostat copy of list of applicants for the post of Safai Karamchhari sent from the Town Employment Exchange, Changanacherry.

M2 : Copy of appointment order No. Misc. 6/88/137 dated 20-7-1988 issued to Smt. V. P. Ponnamma.

M3 : Copy of Memorandum No. CRO : PRS : 91-92 : 2003 dated 17-12-1991 issued to Smt. V. P. Ponnamma.

M4 : Copy of Memorandum No. CRO : PRS : 92-93 : 496 dated 15-7-1992 issued to Smt. K. Vijayamma.

- M5 : Copy of staff service, leave record and other particulars of Smt. K. Vijayamma.
- M6 : Transfer Order No. CRO : PRS : 93-94 : 2742 dated 17-1-1994 in r/o. Smt. K. Vijayamma.

नई दिल्ली, 9 मार्च, 2007

का.आ. 930.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ बिकानेर एंड जयपुर के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, नई दिल्ली के पंचाट (संदर्भ संख्या 64/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08-03-2007 को प्राप्त हुआ था।

[सं. एल-12012/173/97-आई आर (बी-I)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 9th March, 2007

S.O. 930.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 64/1998) of the Central Government Industrial Tribunal/Labour Court-I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of Bikaner and Jaipur and their workman, which was received by the Central Government on 08-03-2007.

[No. L-12012/173/97-IR(B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I, NEW DELHI

I D. No. 64/98

In the matter of dispute between :

Shri Parmanand Pandey,
C/o Krantikari Mazdoor Morcha,
Near Shiv Mandir, Giri Nagar,
Kalkaji, New Delhi-110019 ...Workman

Versus

The Chief Manager,
State Bank of Bikaner and Jaipur,
Head Office, Tilak Marg,
PB NO. 154, Jaipur ...Management

APPEARANCES:

None for the workman.

Shri Rajat Arora A/R for management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/173/97-IR(B-I) dated 4-3-1998 has referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of State Bank of Bikaner and Jaipur, New Delhi in terminating the services of Shri Paramanand Pandey, Caretaker of Guest House, since 5-10-1994 is legal and justified ? If not, to what relief the concerned workman is entitled to ?”

2. Brief facts of this case as culled from record are that the workman was working on the post of caretaker since 8-10-1987 at Rs. 1000 per month. He was doing duty of 16 hours a day and was getting pay for doing 8 hours duty which was less than minimum wages. The workman was initially appointed at Guest House, Ahinsa Bhawan, Shankar Road, New Rajender Nagar, New Delhi and after sometime he demanded minimum wages, overtime allowance and National Holidays Festival, Weekly Off and other legal dues and the management sent him to the above branch without any transfer letter. Workman was doing duty here for two years. It is stated that after sending him to the above branch, he was not paid back wages, nor minimum wages but like bandhua mazdoor the management got him work from him and management sometimes threatened him to turn out him from the end to involve him in a false case so the workman continued to work. It is stated that it has become difficult to meet both ends for me then he demanded verbally minimum wages, arrears, overtime, leave salary then the management terminated his services w.e.f. 5-10-1994 and he was not paid wages for September and October, 1994. It is stated that the workman has taken assistance of the union and on 27-10-1994 he gave demand letter to the management through Regd. A.D. and U.P.C. to which the management did not give any reply. In the end the workman has filed case before the ALC (Central) on 27-5-1996 to which the management cannot give correct reply. The workman filed rejoinder to the reply on 18-11-1996. The management did not settle the dispute nor paid wages of September and October, 1994 whereas the management accepted this fact that workman is entitled to wages. The Conciliation Officer has sent this dispute to the Labour Court for adjudication. The workman is still unemployed. The workman is entitled to reinstatement with back wages and be given the same.

3. The management filed written statement raising preliminary objection that the claimant is not a workman as defined under Section 2(s) of the I.D. Act, 1947. The allegations made in the claim statement show that he was only a caretaker in the guest house and as such he is not entitled to invoke the jurisdiction of the I.D. Act, the reference is liable to be rejected. There was no employer-employee relationship between the claimant and the

respondent. No appointment letter was ever issued to the claimant. The claimant has not produced any documents which go to show that he was an employee of the management bank. As such the claim is liable to be dismissed on this ground. On merits it is denied that the claimant was recruited by the management bank. It is submitted that the claimant was working on contract as a caretaker at the Green Park guest house of the respondent bank. The claimant was on contract from 8-10-1987 at a remuneration of Rs. 500 per month which was subsequently increased to Rs. 650 PM and further increased to Rs. 750. In the year 1992 it was further increased to Rs. 1000 PM. The claimant was posted from 9-10-1992 at Kailash Mountain, New Delhi guest house in place of the Green Park guest house. It is again reiterated that the claimant was a caretaker and as such his claim that he has not been paid the minimum wages is untenable. He would provide tea/food/snacks etc. to the guests and would take payments from them directly. Claim of the workman is denied and it is prayed that the claim be dismissed and the reference be answered in favour of the management.

4. Written statement was followed by rejoinder wherein the controverted facts of the written statement were refuted and those of the claim statement were reiterated to be correct.

5. The workman examined himself as WW1 in support of his claim and closed his evidence and management examined Shri Vinod Kumar Dy. Manager (Liaison) examined as MW1 and was not cross-examined by the workman as none was present for the workman and case was adjourned to 17-10-2005 for further statement of management witness. On 17-10-2005, 19-10-2005, 14-11-2005 and on 21-11-2005 also none for the workman appeared and Shri Sunil Prakash A/R for the management addressed arguments.

6. I have heard A/R for the management and perused the record carefully. My findings on the reference are as under :

In this case claimant claims that he was engaged by the respondent at his guest house as caretaker and he worked there since 8-10-1987 at the rate of Rs. 500 PM. His services were terminated w.e.f. 5-10-1994 when he demanded minimum wages overtime but the respondent denies that he was engaged as caretaker raising preliminary objection that the claimant was workman as claimed and that he was appointed and recruited as caretaker in the Guest House. He was only kept as a contractor he was not employed/recruited by the management. He was working on contract as caretaker on contractual basis at Guest House of the respondent and since October, 1987, at a remuneration of Rs. 500 p.m. which was increased to Rs. 650 p.m. and it was further increased to Rs. 750 and in the year 1992 it was further increased to Rs. 1000 p.m. He was posted from

9-10-1992 at Kailash Mountain, New Delhi guest House instead of Green Park Guest House. It is again reiterated that the claimant was caretaker and his claim for minimum wages is untenable. He used to provide tea/food/snacks etc. to the guest house and was taking payment from them directly. Workman last appeared on 26-2-2004 and did not appear thereafter on subsequent hearings. Neither the workman nor anybody on his behalf appeared on subsequent hearings despite notice. Workman failed to appear even despite issue of notice vide order dated 6-4-2004 for appearance and for cross-examination and the case was adjourned to 12-7-2005 for evidence of the management. Management examined Shri Vinod Kumar MW1 on 4-10-2005 and the case was posted for arguments on 17-10-2005 and arguments were addressed by the advocate of the management. After his examination workman did not appear to cross-examine the management witness. As such even otherwise there is no documentary evidence on record that the workman was recruited or appointed as caretaker at the guest house as claimed or he was kept on contract basis as claimed by the management. Mere deposition of the workman by way of affidavit in the absence of documents that he was appointed/recruited at the guest house of the government at Rajinder Nagar is not sufficient to prove his case that he worked as an employee of the respondent and his services were terminated as claimed.

In view of the above discussions it is evident that the workman failed to substantiate his claim that he was employed as caretaker at respondent's guest house and his services were terminated by the respondent as claimed. Hence in my view workman is not entitled to any relief and reference is decided accordingly.

Further it is ordered that the requisite number of copies of this award may be forwarded to the Central Government for necessary action at their end.

Dated: 29/10/07

SANT SINGH BAL, Presiding Officer

नई दिल्ली, 8 मार्च, 2007

सं. आ. 931. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधकों के सम्बन्ध में नियुक्तियों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय में, 2, नई दिल्ली के पंचाट (संदर्भ संख्या 5/2005) को प्रकाशित करने हेतु, जो केन्द्रीय सरकार को 7-03-2007 को प्राप्त हुआ था।

[सं. एल 12012/183/2004-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2007

S.O. 931.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Indian Bank and their workman, which was received by the Central Government on 07-03-2007.

[No. L-12012/183/2004-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT-II, NEW DELHI

I. D. No. 5/2005

Shri R. N. Rai, Presiding Officer

PRESENT:

Sh. Gulshan Kr.—1st Party

Sh. Saket Sikri—2nd Party

In the matter of:

Shri Mohinder Singh,
C/o, Indian Bank Employees Union,
G-78, 1st Floor,
Connaught Circus,
New Delhi-110001

Versus

The Assistant General Manager,
Indian Bank,
World Trade Centre,
Babar Road,
New Delhi-110001.

AWARD

The Ministry of Labour by its letter No. L-12012/183/2004-IR (B-II) Central Government, dt. 10-01-2005 has referred the following point for adjudication.

The point runs as hereunder:—

“Whether the action of the management of Indian Bank in awarding the punishment of compulsory retirement from service to the workman Shri Mohinder Singh, Ex. Clerk/Shroff is just, fair and legal? If not, what relief the workman is entitled to and from which date?”

The workman applicant has filed claim statement. In the claim statement it has been stated that the brief facts leading to the above reference are that the workman was

issued a charge sheet by the management vide order no. 20-IRD. F 239 : 1187 dated 15-04-2000 alleging as under:

That on 25-11-1999, CSE received a sum of Rs. 43,500.00 from the account holder of SB A/c No. 18792, but deposited only Rs. 33,500 on this account though he issued counterfoil to the customer for Rs. 43,500.00. This shortage of Rs. 10,000.00 was made good by him in cash to the party subsequently.

That on 15-01-2000, CSE received Rs. 20,000.00 in cash from account holder of SB A/c. No. 18977, but did not deposit this amount at all in this account till 18-01-2000, though he issued the counterfoil to the party for Rs. 20,000.00 on 15-01-2000 itself.

That on 22-01-2000 at about 11.15 a.m., CSE received a sum of Rs. 20,000.00 from account holder of SB A/c No. 19070, but did not deposit the same in his account till 1.45 p.m. Only after persuasion by the party, he returned this amount to him in cash and destroyed the cash counterfoil.

That the CSE has borrowed money from the following customers of the bank, besides other customers, and are not repaying them despite their reminders/follow-up:

Sl. No.	Name of the Party	Money borrowed (In Rupees)
1.	M/s. Pee Kay Printers	5,000
2.	M/s. Rattan Chand OD A/c.	2,000
3.	Mr. Surender Kumar SB	10,000
4.	Mr. Sabsen Kumar SB A/c.	1,500

That in his report dated 17-08-2001, Shri L. K. Mishra, the Inquiry Officer did not find the charge nos. 3 and 4 proved against the workman. Therefore, according to the Inquiry Officer, only charges 1 and 2 survived. Even regarding charge no. 2, the Inquiry Officer concluded thus in his report:

“In view of the above, I hold the allegation no. 2 proved against the CSE except that he issued the counterfoil to the party for Rs. 20,000 on 15-01-2000 itself.”

That the above findings in respect of charge no. 2 is evidently inconsistent and self contradictory. Since the finding is that no counterfoil was issued by the workman on 15-01-2000, it follows very clearly that the alleged amount of Rs. 20,000.00 was not received by the workman from the account holder of Account No. 18977 on 15-01-2000. Therefore, the charge totally failed.

That it will be seen from the inquiry proceedings that the sum of Rs. 20,000.00 was in fact paid by the account holder on 15-01-2000 to Shri D. N. Thukral and not to the workman. Therefore, the very charge as framed by the

Bank that a sum of Rs. 20,000.00 was paid to the workman by the account holder of SB A/c No. 18977 was factually wrong as it could not be proved at all that the amount of Rs. 20,000.00 was received by the workman from account holder of SB A/c No. 18977 on 15-01-2000.

That in addition to above, the charge sheet itself says that the said amount which belonged to the account holder and not to the bank, was deposited in the aforesaid account on 18-01-2000. The amount of Rs. 20,000, not being bank's money, was not and could not have been, misappropriated by the workman. Therefore, even theoretically, the charge as framed and levelled by the bank in the charge sheet dated 15-04-2000 is misconceived, incorrect and untenable in law.

That the remaining charges i.e. charge no. 1 is totally baseless and incorrect. The alleged complainant, Shri Ashok Pal, has denied that he had any complaint in the matter against the workman. Document MEX-7 relied upon by the Inquiry Officer was written by a bank official and account holder was pressurized to sign the same. Shri Ashok Pal clearly stated during the inquiry that he did not know English. In this connection, the submissions of the workman made in para 3—6 of his written brief dated 15-10-2000 submitted to the Disciplinary Authority may kindly be perused. A copy of the written brief filed by the workman before the Disciplinary Authority is annexed hereto and marked as Annexure W-3.

That besides the above, the workman handed over to the Disciplinary Authority detailed submissions raising important legal issues in his letter dated 19-07-2002. A copy of the same is annexed hereto and marked as Annexure-W-4.

That one of the important point made by the workman in the above letter was that the inquiry was vitiated and contrary to the law laid down by the Hon'ble Supreme Court in the case of V.P. Gupta Vs. Delton Cable Pvt. Limited [1984(48)FLR-417] because the Inquiry Officer permitted the management to bring in the inquiry two unlisted witnesses without any notice to the workman in gross violation of the basic postulate of the rule of law. The Hon'ble Supreme Court observed in the above case as under :—

"It is also seen from the judgment of the Labour Court that the appellant was not given a list of management witnesses before the commencement of the domestic inquiry. In these circumstances, we are of the opinion that the conclusion of the Labour Court that the Inquiry Officer has not acted properly in the proceeding and that he had not given full opportunity to the appellant as required by the law does not call for any interference."

That the fact that inquiry against the workman was conducted by the Inquiry Officer ignoring the established

law was admitted by him in this report at page 3 in the following words :

"The DA has cited some legal case. Since the undersigned is not a legal practitioner, he is unable to make any comment in this regard."

It will therefore, be evident beyond any doubt that the Inquiry Officer neither knew the basic elements of the law relating to disciplinary inquiries not even cared to understand and appreciate the judgments having direct bearing on the subject, brought to his notice. The inquiry against the workman having thus been conducted in ignorance of the law, it has to be deemed and treated as bad in law and vitiated.

That this will be further established by the finding dated 17-08-2001 recorded by the Inquiry Officer in respect of charge No. 3 of the charge sheet :—

"The charge No. 3 was neither proved nor disproved."

It is simple that a charge is either proved or not proved; it can never be both. Therefore, the ignorance of the Inquiry Officer about the proper procedure for the conduct of the inquiry to be followed and the elementary rules of natural justice to be observed while conducting the inquiry is writ large. The inquiry against the workman was thus not carried out properly and he was not given fair and adequate opportunity of defence, is thus obvious and more than manifest.

That it is the basic principle of law that a person is deemed innocent till proved otherwise. Therefore, the burden of proof of the charges levelled against an employee is obviously on the management. But the Inquiry Officer proceeded in the matter as if the charges levelled by the management against the workman are correct and it is for the charge-sheeted employee to prove his innocence. On page four of the inquiry report, the Inquiry Officer has observed that "No evidence was brought before me by the CSE to establish that MW1 was having any spoiled relation with CSE. In the absence of the same, there is no reason to disbelieve MEX-1, MEX-2, MEX-3 and MEX-7 and other documents taken by MW1 and term them as false and fabricated."

It will thus be clear from the above that the Inquiry Officer shifted the burden of proof on the workman, thereby making a mockery of the rules of natural justice.

That the Ld. Inquiry Officer has also accepted and taken on record MEX-7, a pre-recorded statement even though its author never appeared before the Ld. Inquiry Officer to testify its authenticity and stand cross-examination by the defence. This was wholly illegal. In this connection, reliance is placed upon the following observations of the Hon'ble Supreme Court in the case of Union of India Vs. Sardar Bahadur [1972(2)SCR 218] :

"Tribunals should observe rules of natural justice in the conduct of the inquiries, that is, no material can be relied upon to establish a contested fact unless spoken to by a witness who is subjected to cross-examination."

That finally, although Shri Ashok Pal, DW-1 downed the contents of his previous statement on the ground that he did not know English and had no complaint against the workman, the Ld. Inquiry Officer, while acknowledging contradictions in statements of DW-1 has insisted that his original statement even though denied subsequently by him during inquiry must be accepted and treated as correct. Nothing can be more perverse than this. Accordingly, the findings recorded by the Ld. Inquiry Officer holding the undersigned as guilty are wrong and liable to be rejected by this Hon'ble Tribunal. It has hardly necessary to emphasize that pre-recorded statement has no evidentiary value unless corroborated by the witness personally during the inquiry. As the DW-1 positively denied his original statement during inquiry, no reliance could be placed on his original statement. This is what exactly has been done by the Ld. Inquiry Officer again showing without any doubt his ignorance of the procedure of conducting fair and proper inquiry.

That after his wrong and illegal compulsory retirement, the workman is totally unemployed and has not been able to secure any alternate job despite efforts made.

That the punishment of compulsory retirement from service imposed on the workman after a sham inquiry ignoring the basic rules of law, is neither fair nor legal. It is therefore, prayed that this Hon'ble Tribunal may graciously hold :—

- (a) that the inquiry held against the workman was bad in law and vitiated.
- (b) that the resultant punishment of compulsory retirement was therefore, neither fair, nor just nor legal;
- (c) that the workman is entitled to reinstatement in service with full back wages and other consequential benefits; and
- (d) pass any other and/or further order as may be deemed just and proper on the facts and circumstances of the case.

The management has filed written statement. In the written statement it has been stated that the reference as has been made by the appropriate government is bad in law and in the given facts and circumstances of the present case, the same is not sustainable and liable to be quashed.

That once the services of the workman were terminated after adopting due process of law and the charge

being of serious nature were duly proved in a properly conducted inquiry, the present reference is uncalled for.

That the inquiry against the workman was conducted as per the procedure laid down in BPS entered into between Banks and Unions with active participation of workman and as such, the order passed after such, inquiry cannot be treated as unfair or illegal as alleged.

That all the contentions raised by the workman in the present reference were raised by him before the Inquiry Officer and were dealt with and as such he cannot be permitted to reargue them.

That even otherwise, the Appellate Authority has taken a lenient view of the matter and instead of dismissal imposed by the Disciplinary Authority, awarded the punishment of compulsory retirement and in these circumstances there is no need for fresh adjudication of the matter and the claim is liable to be rejected on this ground as well.

That the workman was charge sheeted by the Disciplinary Authority for misappropriation of Bank's funds based on the complaint filed against him. The charge of misappropriation of Bank funds is a very grave charge and once the same is proved there is no scope for further reference in this regard.

That while conducting the inquiry, the workman was given every opportunity to defend himself including the engagement of the Defence Assistant, cross-examination of witnesses and personal hearings etc. and as such it cannot be said that the action of the management in awarding the punishment of compulsory retirement to the workman is not proper. The same is just, fair and legal. In the circumstances the workman is not entitled to any relief.

That as per the judgment of the Hon'ble Supreme Court, it has been constantly held that high standards of honesty and integrity are expected from a Bank employee, who is a trustee of funds of all the depositors/creditors and once the employee indulges into fraudulent transactions and the same having been proved in a properly conducted inquiry, the punishment so imposed cannot be interfered with by courts in reviewing the administrative orders passed by the Bank. This has been held so in UCO Bank Vs. Hardev Singh judgment dated 18-02-2002.

That not only the aforesaid the orders passed by the management are just legal and proper in view of the fact that CVC and RBI have throughout been advising the public sector banks to take stern action against employees who committed fraud/misappropriation of funds. In case such acts of employee are treated with lenient view, it will lead to much more serious frauds by employees in future, thereby causing financial loss and damage to the reputation of the bank. In these circumstances the order passed by Appellate Authority is in accordance with law as laid down

by the court and hence the claim of the workman deserves to be dismissed.

That while conducting the disciplinary proceedings against workman, proper procedure has been followed and misconduct committed by the workman having been proved and further the Appellate Authority reducing the punishment from dismissal to that of compulsory retirement, there is no force in the reference. The scope and powers in the disciplinary proceedings against an employee have already been laid down in judgment JT 2005 (8) SC-125 and the facts of the present case are squarely covered by the judgment.

That there is no inconsistency in the findings or the same being self contradictory as alleged. It is submitted that it was proved in the inquiry that the workman was guilty of fraudulent transactions, not depositing the money tendered to him by customers then and there, doing acts prejudicial to the interest of Bank and breaching rules of business by misusing his position as cashier in bank and as such it cannot be said that the same were not proved against him.

That it is submitted that the workman is trying to hoodwink the issue to find out an escape route by referring to the inquiry proceedings in which the charges were duly proved against the workman after following due process of law in this respect. It was proved beyond doubt in the departmental inquiry that the petitioner workman received the cash of Rs. 20,000 from SB Account holder of bank on 15-01-2000. Assuming but not admitting that he has not issued counterfoil, he ought to have remitted the cash to the Bank on 16-01-2000 (ie) the next working day, but he has chosen to remit cash on 18-01-2000 only after three days. The charges once proved, it is submitted, that this Hon'ble Tribunal may not find it appropriate to interfere with the same and reject the reference in limine.

That it is submitted that the bank being a public sector financial institution and a trustee of such accounts is entitled to take action against the erring employee and the fact after misappropriation the said amount was deposited back by the workman will not mitigate the charge. The petitioner employee had misused the position of cashier in respondent bank for personal, pecuniary gains and acted prejudicially to the interest of bank and damaged its reputation. It is denied that the charges framed in the charge sheet dated 15-04-2000 are misconceived and untenable.

That the charges as framed were duly proved in a proper inquiry conducted by following the principles of natural justice. The contentions raised by the petitioner as regards to English knowledge of Ashok Pal were well addressed by Inquiry Officer (and the findings of Inquiry Officer are placed Mx-1). As far as the contention of the workman with respect to denial by Shri Ashok Pal of lodging

any complaint is concerned, it is not necessary for the bank to initiate action only when any complaint is filed but when on record it is seen that certain acts of misconduct prejudicial to the interest of bank have been committed by the employee, the Bank is within its rights to initiate actions as per law.

That it is submitted that all the documents and submissions submitted by the workman were duly considered by the Disciplinary Authority at the time of passing the order. The order of dismissal passed by the Disciplinary Authority was based on dispassionate and independent explanation and appreciation of entirely of facts and evidence on records relating to malpractices and misappropriation indulged in by the petitioner/workman.

That the Inquiry Officer gave adequate opportunities to both the parties to lead their respective evidence. Proper procedure has been adopted in the inquiry. The workman was also given the assistance to Defence and he actively participated in the inquiry and as such he cannot claim that the inquiry is vitiated. The workman/defence assistant was given opportunities in the inquiry to explain the evidence against him and were allowed to cross-examine these witnesses adduced by the management. No prejudice has been caused to the workman-petitioner in this regard as opportunities in the inquiry were given to Defence Assistant to cross-examine the witnesses. The judgment cited by the workman is not applicable to the facts of the present case.

That the inquiry was conducted in its true sense and spirit by following due procedure in which workman/defence assistant have actively participated. Further it is submitted that as per settled principles of law and various pronouncements in this respect, strict rules of evidence as applicable in a court of law cannot be extended to a domestic inquiry. It is also denied that the Inquiry Officer did not know the basic elements of law relating to the disciplinary inquiry. In the present case, Inquiry Officer afforded all reasonable opportunities to delinquent employee and a bona fide inquiry was held. The report of Inquiry Officer is a reasoned report, taking into account all evidences and records. The Inquiry Officer has his report after considering all the aspects and the submissions made by the parties and as such it cannot be said to be vitiated on the false allegations of the workman.

That it is submitted that as far as the contention with respect to the recording by the Inquiry Officer regarding para 3 being neither proved nor disproved, cannot be interpreted that the Inquiry Officer was ignorant of the procedure for conducting the inquiry. It pertains to charge no. 3 only. It is submitted that the interpretation of proved nor disproved is that the charge was not fully proved and merely on this it cannot be said that there was violation of rules of natural justice to be observed in the inquiry. It is further denied that the workman was not given fair and

adequate opportunity to defend himself. A bare perusal of the inquiry report would show that the inquiry officer had gone into all the charges and evidence led and arguments in this behalf. There was consideration of facts and decision was arrived at after consideration of evidence by adhering to the rules of natural justice and as such, it cannot be said that there is any lapse or lacuna in the inquiry.

That the management had fully discharged the burden of proof of proving the charges against the workman and further the Inquiry Officer has dealt with in detail all the charges as framed and witnesses/documents produced by both the parties. It is denied that Inquiry Officer shifted the burden on the workman at any point of time. As held by courts, in service law, there is no such thing as an absolute burden of proof always lying on the department in departmental inquiry. It depends upon the nature of charges/explanation. The workman cannot claim any right to commit fraud during the course of employment.

That the contentions of the petitioner that the burden of proof in Disciplinary proceedings lies with the management etc. are denied. It is submitted that the Hon'ble Apex Court on several occasions had held that there is no such thing as an absolute burden of proof lies upon the management in Disciplinary proceedings. The burden of proof depends upon the nature of explanation, nature of charges in each individual case. However, in the present case, the charges being proved beyond all probabilities, the petitioners' contentions are denied and needs to be dismissed as not correct.

That it is submitted that the documents filed by the parties are considered by the Inquiry Officer as per procedure and since on the other documents, the name and address written by the DW-1 shows the same pattern of handwriting of DW-1 on MEX-7 and further it has been observed by the Inquiry Officer that suggest that it is written by a person who has sufficient knowledge of English, necessary to perform his day to day banking requirements. Further the Inquiry Officer has also come to the conclusion the contention that the charge sheeted employee is not aware of the contents of MEX-7 does not appear to be true, and as such it cannot be said that the Inquiry Officer has not dealt with these documents properly. The judgments cited by the workman are not applicable in the facts of the present case.

That the Inquiry Officer has dealt with the same in detail in the inquiry proceedings.

That the charges are very serious in nature. The petitioner was a cashier in the bank. He not only failed to remit/deposit the entire money given by customers to their credit and into bank in time, but also misused his position for personal gains. In Union of India Vs. Vishwa Mohan 1998 (4) SCC 310 Supreme Court held that in banking business absolute devotion, diligence and integrity are required of employee otherwise the confidence of public

would be impaired. The order of compulsory retirement is totally just, proper and legal in the circumstances of the case. It is also denied that the workman is unemployed after the orders passed by the management.

That it is not denied by the workman that as a cashier in a bank, which is a public financial institution he has to discharge his duties with care, caution and utmost integrity.

That the petitioner being a cashier/custodian of cash neglected his primary duty and indulged in fraudulent practice and misappropriated bank's money for pecuniary gains and thus proved himself to be an irresponsible, unreliable and untrustworthy employee of the bank.

That the respondent crave leave of this Hon'ble Tribunal to file any additional counter, alter, amend and modify counter statement as justice requires. That the prayer clause is totally misconceived. The workman is not entitled to any relief.

The workman applicant had filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record. It was submitted from the side of the workman that, on 15-11-1999 the CSE deposited Rs. 33,500 whereas he issued counterfoil to the tune of Rs. 43,500. It has been also alleged that the workman received an amount of Rs. 20,000 on 15-01-2000 from account holder of SB A/c. 18977 but he did not deposit the amount on the same day. He deposited it on 18-01-2000, after 3 days of the receipt of the amount of Rs. 20,000.

It has been further alleged that this workman received Rs. 20,000 from the account holder of SB A/c. No. 19070 but he did not deposit the same in his account till 1.45 PM. Only after pursuation by the party this amount was returned in cash to the account holder concerned and was destroyed the counterfoil. The workman has received letter from M/s. Pee Kay Printers of Rs. 5,000, M/s. Ratan Chand of Rs. 2,000, Mr. Surinder Kumar of Rs. 10,000 and from Sabben Kumar of Rs. 1,500. The money taken by the workman on loan has not been returned to the above customers despite their several reminders/follow up.

It was further submitted that MW1 has stated in his cross that the workman was punished for charge no. 1 and 2 whereas the Appellate Authority has held that punishment was imposed on the workman on charge no. 1 only.

My attention was drawn to AIR 1994-SC-853 as under :

"The courts of law are meant for imparting justice between the parties. One, who comes to the court,

must come with clean hands. We are constrained to say that more often than not, process of the court is being abused. Property-grabbers, tax-evaders, bank-loan-dodger and other unscrupulous persons from all walks of life find the court process a convenient lever to retain the illegal-gains indefinitely. We have no hesitation to say that a person whose case is based on falsehood, has not right to approach the court."

It was submitted that DW1 disowned his alleged statement recorded by the bank's Investigating Officer (MEX-7), the findings recorded by the Inquiry Officer that MEX-7 was true and the statement given by Mr. Ashok Pal personally in the inquiry is wrong, is absolutely perverse. The Inquiry Officer has to go by the material placed on record before him during the inquiry and not his ipse-dixit or what was collected by the management on the back of the workman earlier.

It was further submitted that knowing the weakness of the case the management did not produce the Inquiry Officer before the Court and produced one Mr. V. Raman who was not posted in the branch at the time of incident nor he has any personal knowledge of the charges levelled against the workman.

It was further submitted that the Inquiry Officer has placed the burden of the proof on the workman instead of on the management which is against the principles of natural justice. The management has to prove its case on the basis of its own evidence. It cannot be said that the workman has to prove that he has not embezzled any money.

It was further submitted that the counterfoil of pay in slip dated 25-11-1999 for Rs. 43,500 (Mex-4) by the management as counterfoil allegedly issued by the workman is not signed by any official or workman. Mr. Ashok Pal has denied that Mex-4 was issued to him by the workman. It is also admitted that Mex-4 does not bear the signature of Shroff Officer or Assistant Branch Manager.

It was further submitted that both, the Disciplinary Authority and the Appellate Authority have ignored the gross irregularity committed by the Inquiry Officer in allowing the 2 unlisted witnesses of the management and the refusal of the Inquiry Officer to permit the defence assistant to cross examine the said unlisted witnesses at the end of the evidence. The Inquiry Officer allowed the Presenting Officer to produce the said unlisted witnesses, he unreasonably disallowed the request of the defence to recall and cross examine the unlisted witnesses. Unfair treatment by the management is writ large and intervention of the this Tribunal is required to undo injustice.

That the defence also examined 2 unlisted witnesses. The defence is not bound to disclose the name of the witnesses to be examined by it whereas the management was duly bound to produce all the listed witnesses. No

opportunity of cross-examination has been given by the management.

It was submitted from the side of the management that the workman has committed temporary embezzlement. He embezzled Rs. 10,000 on 15-11-1999 and he made payment of cash to subside the concerned customer.

It was further submitted that the workman received Rs. 20,000 in cash from the account holder of SB A/c. No. 18977 but he did not deposit this amount on that day. He deposited it on 18-01-2000, so he temporarily embezzled Rs. 20,000 for atleast 3 days.

It was further submitted that on 21-01-2000 he received an amount of Rs. 20,000 from the account holder of SB A/c No. 19070 but he did not deposit the same in his account till 1.45 PM. On pursuasion of the party the workman returned the amount and destroyed the counterfoil.

It was further submitted that all the witnesses have been cross examined by the defence representative. The management examined six witnesses viz. MW1 Shri S. K. Soni, Sr. Manager, Regional Office, New Delhi, MW2, Shri A. Vishwanathan, Sr. Manager, Karol Bagh, MW3, Mrs. Ranbir Bharti, Special Assistant, Karol Bagh Branch, MW4, Madan Lal, Clerk/Shroff, Karol Bagh Branch, MW5, Shri Ram Surat Yadav and MW6, Shri D. N. Thukral, Sr. Manager, Regional Office, Chandigarh.

It was further submitted that the 2 unlisted witnesses were produced only to identify the management exhibits only. They did not depose anything else. The workman was afforded time of 1 hour for cross-examination. The Inquiry Officer further stated that the defence assistant did not seek any time from him for cross all the unlisted witnesses. The defence assistant observed that the documents identified by the unlisted witnesses are partly admitted by them. There is no fun in cross examining them.

The management cannot be confined to examine the witnesses listed. The witnesses may be changed and added. The material thing is that the workman should be given sufficient opportunity to cross examine the unlisted witnesses. It is quite apparent from the proceedings that no application has been given to the Inquiry Officer to defer the cross-examination of the unlisted witnesses. So it cannot be said that no opportunity was given to the defence assistant to cross examine the unlisted witnesses. There appears to be no merit in the contention that the Inquiry Officer did not permit the defence assistant to cross examine the unlisted witnesses.

It was further submitted that the complainant Shri Ashok Pal gave the statement alleging the misappropriation of Rs. 10,000 by the workman. It was recorded by MW1 (page 1 of Mex-1) and signed by DW1 (Mex-7), Shri Ashok Pal has disowned the contents of his previous statement on the plea that he does not know English.

From perusal of the Mex-4 and Mex-7 it becomes quite obvious that address of DW1 has been written by DW1 in English, so the statement of DW1 that he is not well versed in English language is not believable. It appears that DW1 was won over by the workman, so he has deposed that he was not well versed in English language and he has not signed page 1 of Mex-7. The charges can be held proved even on circumstantial evidence. It cannot be said that MW1 is interested or partial witness and he has recorded the statement of DW1 falsely and he has put the signature of DW1 himself on Mex-7. Shri Ashok Pal was aggrieved, so he made a complaint that Rs. 10,000 given by him to the workman has not been deposited. There is no allegation that MW1 has any spoiled relationship with the workman, so Mex-1, 2, 3 and Mex-7 and other documents taken by MW1 cannot be said to be false and fabricated. MW1 was made available for cross examination but the defence did not cross examine him. The Inquiry Officer has taken into consideration the circumstances under which Mex 1 to 3 and Mex-7 have been prepared. MW1 has not been cross examined, so the statement given by MW1 is admissible in evidence. If MW1 was prejudiced, the defence assistant should have cross examined him but cross examination of MW1 was evaded deliberately.

It was further submitted that the CSE has taken the plea that the notes of Rs. 10,000 were mutilated notes, so he did not deposit the same. Notes are checked and verified when they are offered for deposit. In case the notes were found mutilated it was the duty of the CSE to bring it to the knowledge of the Officers of the bank.

The Inquiry Officer has found charge no. 1 proved against the CSE in full. Charge No. 2 was also found proved against the CSE except the issuance of the counterfoil to the party for Rs. 20,000 on 15-01-2000. Charge No. 3 was found neither proved nor disproved. Charge No. 4 was found not proved. So the Inquiry Officer has found charge no. 1 fully proved whereas charge no. 2 is proved but the issuance of counterfoil is not proved. Charge no. 2 is partly proved.

The CSE has admitted before the Investigating Officer that he forgot to deposit the cash with the bank of Rs. 20,000. He has further admitted that he has issued the counterfoil of Rs. 43,500. He has also admitted that he has paid back Rs. 20,000 after encashing the NSCs. The workman has attached Mex-4 (1 page) and Mex-3 (6 pages). These are the photocopies of true copies attached with the written argument of the workman.

From perusal of the records it becomes quite obvious that the CSE received Rs. 20,000 on 15-01-2000 from the account holder of SB A/c. No. 18977 and deposited it on 18-01-2000. He has issued counterfoil of Rs. 43,500 as has been admitted by him in the preliminary investigation. It appears that the Inquiry Officer has based his findings on circumstantial evidence also. MW1 has recorded the

statement of CSE during the preliminary investigation. Mr. S. K. Soni, Sr. Manager has been examined as MW1 during the inquiry proceedings. He has recorded the statement of the workman. It is not denied that Shri S. K. Soni, Sr. Manager has not recorded the statement of the CSE in preliminary investigation. His credibility has not been challenged while his evidence was taken.

MW1 has conducted preliminary investigation and he has been produced even in the inquiry. He has deposed before the Inquiry Officer. He has filed the documents of his preliminary investigation, the copy of the same has been supplied to the workman. So the documents of preliminary investigation have become material in the inquiry as well, as MW1 has recorded preliminary investigation and he has deposed before the Inquiry Officer also. His examination-in-chief has gone un rebutted, so reliance can be placed even on the documents of preliminary investigation. They have become part and parcel of the inquiry proceedings also. The examination-in-chief of MW1 has bestowed authenticity to the documents of preliminary investigation also.

The management has examined 6 witnesses and all the 6 witnesses have been made available to the CSE for cross examination. In case the witnesses have not been cross examined, the plea of observance of natural justice cannot be taken before the Tribunal. All the documents have been made available to the workman. Most of the witnesses have been cross examined by the defence assistant of the workman. So it cannot be said that sufficient opportunity has not been provided to the workman. The DA did not cross examine the two witnesses intentionally.

The Tribunal has no right to consider the adequacy or otherwise of the evidence. It is settled law that in departmental inquiry charge can be held proved on a single testimony of the department. In the instant case six witnesses have been examined.

The law regarding evidence in inquiry has been summarized by the Bench of 3 Judges in 1997 Lab IC 845. It has been held as under :—

"In a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. Ail materials which are logically probative for a prudent mind are permissible. There is no allegory to hearsay evidence provided it has reasonable nexus and credibility. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act."

"The sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly

available for the court to look into because it amounts to an error of law apparent on the record."

"An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence. There is also no rule of evidence which lays down that the evidence of a solitary witness cannot be relied upon or merely because there is only a solitary witness in support of the charge, no conclusion can be based upon it even though the evidence of that witness is acceptable as true."

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 (89) FLR 427 as under :—

"It is well settled that a conclusion or a finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man."

It becomes obvious from the law laid down by the Hon'ble Apex Court that the Court can interfere only when there is no material on record. In the instant case there is sufficient material. In a departmental inquiry the standard of criminal trial is not required and technical rules of evidence are not attracted. Disciplinary proceedings are not a criminal trial. The scope of inquiry is entirely different from that of the criminal trial in which the chargesheet is required to be proved beyond doubt. In domestic inquiries preponderance of probability and some material on record are sufficient to reach the conclusion against the delinquent employee.

It is settled law that a Court or Tribunal on its own views cannot set aside the findings of the Inquiry Officer. I have perused the records carefully and thoroughly. The findings of the Inquiry Officer, Disciplinary Authority and Appellate Authority are not perverse. The findings are based on material placed on records. It cannot be said that this is a case of no evidence.

It has been held by the Hon'ble Supreme Court in between B. C. Chaturvedi and Union of India and Ors. with Union of India and Anr. and B. C. Chaturvedi as under :—

"The Court or Tribunal in its power of judicial review does not act as an appellate authority to re-appreciate the evidence and to arrive at its own independent finding on the evidence—Tribunal held not justified

in interfering with the punishment imposed by the disciplinary authority."

It has been further held as under :—

"Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before Court/Tribunal."

"The High Court/Tribunal, while exercising the power of judicial review cannot normally substitute its own conclusion on penalty and impose some other penalty, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal."

In the instant case the management has examined 6 witnesses and ample opportunity has been provided to cross examine all the witnesses. The witnesses have been cross examined. In domestic inquiry guilt can be proved on circumstantial evidence. The workman deposited money received at 11.30 A.M. at 1.45 P.M. after the pressure of the party concerned and he has torn the deposit slip. He has deposited Rs. 33,500 whereas he has realized Rs. 43,500. The Inquiry Officer has kept in mind this circumstances also. There is no perversity of either Inquiry Officer or Disciplinary Authority or the Appellate Authority. Another view of this matter cannot be taken by the Court or Tribunal. Inquiry is fair. It is not vitiated. The workman is not entitled to get any relief as prayed for. Punishment is also proportionate.

The reference is replied thus :—

The action of the management of Indian Bank in awarding the punishment of compulsory retirement from service to the workman Shri Mohinder Singh, Ex. Clerk/Shroff is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Let copies of the Award be sent to the Ministry of Labour, Government of India for necessary action at their end.

Date : 28-02-2007.

R. N. RAI, Presiding Officer

नई दिल्ली, 8 मार्च, 2007

का.आ. 932. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बंगलोर के पंचाट (संदर्भ संख्या 53/2003, 54/2003 एवं 55/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-03-2007 को प्राप्त हुआ था।

[सं. एल-12011/105/2003-आई. आर. (बी-II),

एल-12011/99/2003-आई. आर. (बी-II),

एल-12011/104/2003-आई. आर. (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2007

C. R. No. 55/2003

S.O. 932.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 53/2003, 54/2003 and 55/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the Industrial Dispute between the management of Canara Bank and their workman, received by the Central Government on 07-03-2007.

[No. L-12011/105/2003-IR(B-II),
L-12011/99/2003-IR(B-II),
L-12011/104/2003-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
BANGALORE**

Dated : 28th February, 2007

PRESENT:

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 53/2003

IPARTY:

The General Secretary,
Canara Bank Workers Union,
Anand Plaza, Anand Rao Circle,
Bangalore-560009.

II PARTY:

The Deputy General Manager,
Canara Bank,
Disciplinary Action Cell,
Circle Office, No. 86, M. G. Road,
Bangalore-560001.

C. R. No. 54/2003

IPARTY:

The General Secretary,
Canara Bank Workers Union,
Anand Plaza, Anand Rao Circle,
Bangalore-560009.

II PARTY:

The Deputy General Manager,
Canara Bank,
Disciplinary Action Cell,
Circle Office, No. 86, M. G. Road,
Bangalore-560001.

IPARTY:

The General Secretary,
Canara Bank Workers Union,
Anand Plaza, Anand Rao Circle,
Bangalore-560009.

II PARTY:

The Deputy General Manager,
Canara Bank,
Disciplinary Action Cell,
Circle Office, No. 86, M. G. Road,
Bangalore-560001.

COMMON AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order Nos. L-12011/104/2003-IR (B-II), L-12011/99/2003-IR (B-II) dated 18th September 2003 and No. L-12011/105/2003-IR (B-II) dated 23rd September, 2003 for adjudication on the following schedule :—

The schedule (CR 53/2003)

“Whether the action of the management of Canara Bank in imposing the punishment of bringing down to a lower stage in time scale of pay by two stages with cumulative effect vide proceedings dated 16-5-2001 and 25-4-2001 upon Shri S. Nagaraj is legal and justified ? If not, to what relief the concerned workman is entitled ?”

The schedule (CR 54/2003)

“Whether the action of the management of Canara Bank in imposing the punishment of Bringing down to lower stage in time scale of pay by two stages with cumulative effect upon Shri K. Satish Pai is legal and justified ? If not, to what relief the concerned workman is entitled ?”

Schedule (CR 55/2003)

“Whether the action of the management of Canara Bank in imposing the punishment of Bringing down to a lower stage in time scale of pay by two stages with cumulative effect upon Shri B. Ramdas Bhat is legal and justified ? If not, to what relief the concerned workman is entitled ?”

2. All these three cases are taken up altogether for disposal involving common question of facts and law for the purpose of convenience to avoid overlapping in findings.

3. A charge sheet dated 22-07-2002 was issued to the first party workman Shri S. Nagaraj in C. R. No. 53/03 in the following terms :—

Charge Sheet

You have been working as Clerk at Security Cell G A wing, H. O., Bangalore since 3-8-1990. On 20-7-2000, around 12.45 P.M. you were found to be distributing pamphlets under the guise of the circular 7/2000 dated 20-7-2000. In the name of Canara Bank Workers Union, containing the following highly derogatory, objectionable and unwarranted, allegations against the Chairman and Managing Director of the Bank and that of his office and other superiors with the sole and malafide intention to tarnish the image and reputation of the authorities placed over you.

"In that case did Shri R. J. Kamath order of plead with Shri Prakash Mallia ? Has the position of the C. M. D., Shri R. J. Kamath has become so pathetic, that he has to plead with a DGM in his secretariat. Has he lost his moral authority ? As he is having more weaknesses than strength ? Therefore, we sought an appointment with Shri R. J. Kamath to know directly from the horse's mouth"

By releasing and distributing these pamphlets you have purposely and with malafide intentions sought to show our Chairman and Managing Director in poor light and belittle his office and status. The tone and tenor used in the pamphlet were derogatory and defamatory in nature and have damaged the reputation of the bank and its Chairman and Managing Director and that of his office. We have reasons to believe that you have resorted to such acts and disorderly conduct solely because a transfer demand made by you for an employee was not considered favourably.

Further, the pamphlets were distributed by you during office hours by remaining away from your duties in utter disregard in the laid down rules of the Bank.

By your above acts, you have committed gross misconduct within the meaning of Chapter XI, Regulation 3(d) and (k) of the Canara Bank Service Code. Your above action being prejudicial to the interest of the bank, you have also committed gross misconduct within the meaning Chapter XI, Regulations 3(m) of the Canara Bank Service Code."

4. A charge sheet dated 11-10-2000 was issued to the first party workman, Shri K. Satish Pai in C. R. No. 54/03 in the following terms :

Charge Sheet

"You have been working as a Clerk at our R & L Section (Recovery), Circle Office, Bangalore since 19-1-1996.

It is reported that on 25-7-2000, you came to the section at 10.00 A.M. and signed the Attendance Register. Subsequently you left the seat without

permission and resorted to distributing the circular No. 8/2000 dated 25-7-2000 issued by Canara Bank workers Union. After distributing the said circular in various sections of the Circle Office, during office hours, you have procured the Attendance Register from the Divisional Manager's cabin through the sub staff of the Section and struck off your signature for 25-7-2000 without any authority or permission and written C. L. But you have not submitted any C. L. application for the day's absence. You have resorted to the act of distributing the Union Circular on 25-7-2000 during office hours in violation of the Service Regulations and thereby caused disturbance to the discharge of official duties by the Staff working in the Circle Office. You have also on your own unauthorisedly meddled with the attendance register of the Section, by striking off your signature for 25-7-2000 and writing C. L. without any authority or permission from the Section in charge.

The investigation conducted has also revealed that on earlier occasions also you had distributed the circulars under the guise of Canara Bank Workers Union. One such circular is Circular No. 7/2000 dated 20-7-2000 which contains the following highly derogatory, objectionable and unwarranted allegations against the Chairman and Managing Director of the Bank and that of his office and other Executives with the sole and malafide intention to cause damage and to tarnish the image and reputation of the bank and its authorities with ulterior motives.

"In that case did Shri R. J. Kamath order or plead with Shri Prakash Mallia ? Has the position of the CMD, Shri R. J. Kamath has become so pathetic, that he has to plead with a DGM in his secretariat. Has he lost his moral authority ? As he is having more weaknesses than strengths ? Therefore, we sought an appointment with Shri R. J. Kamath to know directly from the horse's mouth"

By distributing the above circular, you have purposely and with malafide intentions sought to show our Chairman and Managing Director in poor light and belittle his office and status. The tone and tenor used in the pamphlet were derogatory and defamatory in nature and have damaged the reputation of the bank and its Chairman and Managing Director and that of his office.

An explanation was called for from you in the matter by our staff section (W) Circle Office, Bangalore vide their letter dated 25-7-2000 and the reply submitted by you vide your letter dated 5-8-2000 is neither convincing nor satisfactory.

By your above acts, you have contravened Regulation 2(A)(ii) of Chapter XI of Canara Bank

Service Code and thereby committed Gross misconduct within the meaning of Chapter XI Regulation (3) Clause (j) of Canara Bank Service Code.

Further your above actions being prejudicial to the interests of the bank, you have also committed gross misconduct within the meaning of Chapter XI Regulation 3, Clause (m) of Canara Bank Service Code."

5. Similarly, a charge sheet dated 22-07-2000 came to be issued to the first party workman, Shri B. Ram Das Bhat in C. R. No. 55/03 in the following terms :

Charge sheet

You have been working as Special Assistant at Records and Tappal Section, GA Wing, H. O. Bangalore since 27-2-1989. On 20-7-2000 around 11.30 A.M. you were found to be distributing pamphlets under the guise of the circular 7/2000 dated 20-7-2000, in the name of Canara Bank Workers Union, containing the following highly derogatory, objectionable and unwarranted allegations against the Chairman and Managing Director of the bank and that of his office and other superiors with the sole and malafide intention to tarnish the image and reputation of the authorities place over you.

"In that case did Shri R. J. Kamath order or plead with Shri Prakash Malliya ? Has the position of the CMD, Shri R. J. Kamath has become so pathetic, that he has to plead with a DGM in his secretariat. Has he lost his moral authority ? As he is having more weaknesses than strengths? Therefore, we sought an appointment with Shri R. J. Kamath to know directly from the horse's mouth".

By releasing and distributing these pamphlets you have purposely and with malafide intentions sought to show our Chairman and Managing Director in poor light and belittle his office and status. The tone and tenor used in the pamphlet were derogatory and defamatory in nature and have damaged the reputation of the bank and its Chairman and Managing Director and that of his office. We have reasons to believe that you have resorted to such acts and disorderly conduct solely because a transfer demand made by you for an employee was not considered favourably.

Further, the pamphlets were distributed by you during office hours by remaining away from your duties in utter disregard in the laid down rules of the Bank.

Moreover, you have abetted and instigated an outsider/retired employee of the bank to make/issue the said pamphlets containing unwarranted, derogatory and wild allegations against the Chairman and Managing Director and that of his office of the Bank.

By your above acts, you have committed gross misconduct within the meaning of Chapter XI, Regulation 3(d), k and (k) of the Canara Bank Service Code.

Your above action being prejudicial to the interest of the bank, you have also committed gross misconduct within the meaning Chapter XI, Regulations 3(m) of Canara Bank Service Code.

6. There being no reply or explanation given/offered by these workmen, the management thought of conducting Domestic Enquiries against all of them and accordingly enquiries were conducted against them affording opportunity to them to participate and defend themselves. They appeared before the enquiry officer in separate enquiries and after conclusion of the Domestic Enquiries, Enquiry Officers in all these three cases submitted their findings. Learned Enquiry Officer Shri K. L. Shankar Narayana Rao who held enquiry separately against the workmen Shri B. Ram Das Bhat and Shri S. Nagaraj held them guilty of the charges of misconduct as leveled in the charge sheets against them. In the case of the workmen, Shri Satish Pai one Shri V. G. Tagore held the enquiry and submitted his findings holding the workman guilty of the charges Nos. 1 and 3 with the finding that charge No. 2 against the workman of tampering the attendance register was not proved. The copies of those enquiry findings were made available to the first party workmen giving them opportunity to offer their comments, thereon, and when they failed to offer their explanations, the Disciplinary Authority in all the three cases proposed the punishments against the workmen of bringing down to a lower stage in time scale of pay by two stages with cumulative effect and then proposed punishments were communicated to all the three workmen affording them an opportunity of hearing and it is after hearing them during the course of personal hearing those punishment orders were confirmed by the Disciplinary Authority. All these three workmen approached the Appellate Authority and the Appellate Authority in the cases of the workmen Shri Satish Pai and Shri Ram Das Bhatt allowed the appeals in part modifying the punishment order by bringing down to a lower stage in time scale of pay by one stage with cumulative effect and whereas, in the case of Shri Nagaraj the punishment order passed against him by the Disciplinary Authority was confirmed without any modification.

7. It is aggrieved by the aforesaid orders of the Disciplinary Authority as well as the Appellate Authority all these three workmen appears to have raised the dispute before the conciliation officer concerned and those disputes having been resulted into failure reports made to the Govt. of India, the present references have been made to this tribunal for adjudication of the points in dispute.

8. The General Secretary, Canara Bank Workers Union, Bangalore who represented in all these three cases got

filed separate claim statements before this tribunal by the respective workmen. All of them have challenged the enquiry proceedings alleging that they have been conducted in violation of principles of natural justice and that the enquiry findings submitted by the enquiry officer suffered from perversity and that the impugned punishment order passed against them are unjust and illegal.

9. Keeping in view the respective contentions of the parties with regard to the validity and fairness or otherwise of the enquiry proceedings, this tribunal on 23-9-2004 framed the following Preliminary Issue separately in all the three cases :

“Whether the Domestic Enquiry conducted against the first party workman by the second party is fair and proper ?”

10. On 14-12-2005, when the matter came up for hearing, the learned counsel Shri S. Ramesh representing all these three workmen filed separate memos conceding the fairness of the DE with a request to permit him to lead evidence on the other issues if any, and to argue the case on perversity of the findings as well as justification of the punishment order. There being no objection on the part of the Learned Counsel for the management, this tribunal accordingly passed an order holding that the Domestic Enquiries held against these workmen were fair and proper and the matter came to be posted for arguments on merits. I have heard the learned counsels for the parties and the matter is posted this day for award.

11. Learned Counsel, Shri S. Ramesh in his arguments raised only one point raising the contention that in the act of distribution of circulars/pamphlets by these workmen, there has been absolutely no disturbance or obstructions in the duties being discharged by the bank staff and therefore, the workmen cannot be found guilty of the charges of misconduct leveled against them. Only because they happened to have distributed the circulars/pamphlets during the course of office hours of the bank. Learned counsel, in this regard cited a ruling reported in AIR 1990 SC page 1—B. R. Singh and others Vs. Union of India.

12. Whereas, Learned, counsel for the Management, Shri TRKP argued that the very fact that the first party workmen distributed the circulars/pamphlets during the office hours, visiting the bank staff members at their respective sections and departments must lead to an inference that there was disturbances and obstructions in the discharge of duties by the staff of the bank and therefore, it cannot be said that there was no misconduct as such committed by the workmen. He cited a ruling reported in 2005(6) AIR Kar Page 635 in support of his arguments that the act of the first party distributing the circular/pamphlets containing the highly derogatory, objectionable and unwarranted allegations against the Chairman/Managing Director of the bank and other

superiors with the sole and mala fide intention to tarnish the image and reputation of the authorities being proved during the course of enquiry, it is not permissible for the first party workmen now to contend that by their above said act they have not committed any misconduct as leveled in the charge sheets.

13. After having gone through the records, more particularly, the evidence brought out during the course of enquiry and the findings of the enquiry officer, I must agree with the arguments advanced for the management. As noted above, in the case of Mr. Nagaraj and Shri Bhatt, the charges which are common have been very much proved by sufficient and legal evidence and in the case of Mr. Satish Pai as noted above, the first and third charge of distribution of circulars/pamphlets containing the above said allegations also have been proved by sufficient, legal and satisfactory oral as well as documentary evidence. Now, the only contention raised by the learned counsel for the first party workmen is that in the above said act of the first party workmen there has been absolutely no loss much less financial loss caused to the management bank and that there was also no disturbance or obstruction in the duties being discharged by the bank staff in receiving those circulars/pamphlets during office hours. Learned Counsel did not argue on any other point much less on the point as to whether the findings of the enquiry officers suffered from any perversity. He further submitted that the impugned punishments imposed upon the first party workmen are disproportionate to the gravity of the misconduct committed by them particularly, in view of the fact that they were not the authors or signatories to those circulars/pamphlets distributed by them and that on account of the punishments they have suffered heavy financial loss and hardship. He requested this tribunal to take lenient view in this regard. I find absolutely no substance in his contention that the aforesaid act of the first party workmen did not affect the smooth working of the management bank not disturbing the bank staff in discharging their duties. When, the purpose of the first party workmen in distributing the circulars/pamphlets was to see that all the bank staff members must read them and when in the natural course the staff members in their anxiety to know what those papers contained are to read them keeping aside the job on their hand, in the meanwhile, it cannot be said that those staff members have not been disturbed or obstructed in discharging of their duties as admittedly, those circulars/pamphlets came to be issued during the office hours. Therefore, above said contention raised on behalf of the first party workmen deserves no merit. The Principles laid down by their Lordship of Supreme Court in the aforesaid case cited on behalf of the first party workmen are not at all applicable to the facts of the cases on hand. It is not understandable as to how those principles laid down in the aforesaid case will be coming to the help of the first party workmen. They are the principle laid down to the

facts and circumstances of the case altogether different having absolutely no similarity to the facts and points of law involved in the present case. As far as the principle laid down by his Lordship of our Hon'ble High Court cited on behalf of the management, it can be very well found that the dismissal order passed against the workman concerned was confirmed by our Hon'ble High Court when the charges of misconduct leveled against the workman that he addressed a small gathering of employees making the derogatory remarks was proved against him. In the instant case also those circulars/pamphlets which have been issued by the first party workmen have contained derogatory remarks, as noted above. However, in the instant case those are not the remarks passed by the first party workmen as admittedly they were not the authors or signatories to the circulars/pamphlets in question. The first party workmen in these cases are to be held responsible for the misconducts they have committed in distributing the circulars/pamphlets having such derogatory remarks, that too, during the office hours. However, keeping in view the fact that all these three workmen were the union leaders and responsible office bearers of the union and have committed the act of distributing the circular/pamphlets in their anxiety to seek redressal of certain remedies concerning their colleagues and in view of the fact that the punishment order lowering the pay scale with cumulative effect would result into heavy financial loss to the workmen through out their tenure of service, it appears to me that ends of justice will be met if the impugned punishment order passed against them of bringing down their pay scale by two stages with cumulative effects is to be modified with a specific period of 7 years from the date of passing of the impugned punishment order by the Disciplinary Authority. Hence the following award :

AWARD

The impugned punishment order passed against the first party workmen shall hold good for a period of seven years from the respective dates of punishment orders passed against them without cumulative effect. Keep a copy of the Award in CR Nos. 54/2003 and 55/2003. No costs.

(Dictated to PA, transcribed by her, corrected and signed by me on 28th February, 2007).

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली; 8 मार्च, 2007

का.आ. 933.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के सम्बद्ध निबोधकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या

19/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2007 को प्राप्त हुआ था।

[सं. एल-12012/50/2000-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2007.

S.O. 933.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 7-3-2007.

[No. L-12012/50/2000-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJINDRA PLACE,
NEW DELHI

R.N. Rai, Presiding Officer

L.D. No. 19/2005

PRESENT:

Sh. N.S. Bhati	Ist Party
Sh. Ashwani Kr. Sharma	2nd Party

IN THE MATTER OF :

Shri Phool Singh,
S/o Shri Mogi Ram,
R/o B-422, Pandav Nagar,
J.J. Colony,
New Delhi-110 008

Versus

The Assistant General Manager,
Punjab National Bank,
Connaught Circus,
New Delhi-110 001

AWARD

The Ministry of Labour by its letter No. L-12012/50/2000-IR (B-II) Central Government Dt. 25-2-2005 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Punjab National Bank, E.C.E. House, Connaught Circus, New Delhi in terminating the services of Shri Phool Singh, Ex. Sweeper (Temporary) is just, fair and legal? If not, what relief he is entitled to and from which date?"

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the petitioner had been working as a sweeper in the office of the respondent since 1991. Initially the petitioner was engaged only in leave vacancies.

That after sometime the petitioner was engaged fairly on regular basis with full payment, under the pretext that the petitioner would be absorbed in the regular service i.e. the petitioner was not paid for all the days for which he was called up on to work.

That the petitioner was not allowed to join duties on the plea that some other person has been appointed to perform the duties on regular basis for which he had been appointed.

That Shri Subhash had joined duties on 9-10-1999. He was a fresher and temporary employee whereas he was permitted to work.

The petitioner was again given opportunity to work with the office of the respondents on 6-12-1999 and he worked till March, 2003 but he was again retrenched.

The petitioner requested many times to the respondents to absorb him in regular service of the bank but the bank did not pay any heed to his request. He approached the office of the ALC(C) and reference was made by the government. Shri Subhash junior to the workman was permitted to join duties illegally.

That the petitioner is senior to Shri Subhash who was engaged on 9-11-1999 and he is working in the office of the respondent. The petitioner should have been given the opportunity to work with the respondent as he was working with the office of the respondent since 1991 and Shri Subhash who was working since 11/1999. The petitioner should have been given the opportunity to work based on seniority also. The act of the respondent is against the spirit of Constitution of India and biased, indiscriminate and against the natural justice.

That the matter was referred to the government by the office of the RLC(C), New Delhi. The government has issued an order to refer the dispute under Section 10 of the ID Act, 1947 for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, New Delhi.

That the petitioner has already completed 792 days service from 1991 to August 2001 with the respondent's office. (Respondent's letter in this regard is attached as Annexure-IV). Even such a long service, the petitioner was not given the opportunity to absorb in regular service which is illegal, unjust, unfair against the spirit of Constitution of India, improper, biased, discriminately and unconstitutional as well as against the natural justice.

That the petitioner was awarded the bonus also by the respondent for Rs. 1561.37 on 19-7-2002 (letter in this

regard is attached as Annexure V). At this stage denying the petitioner to join the duties is unfair, unjust, unconstitutional, illegal, improper, discriminately and against the spirit of law of natural justice.

That the petitioner is a very poor man and is in the financial hardship and he is not capable to feed his family due to nonavailability of service. Hence the petitioner prays as under :

- (a) The Hon'ble Court may be pleased to pass a decree order of absorption in the regular service with the respondent.
- (b) The respondent may be ordered to provide employment on the same basis as before the dispute arose, till the finalization of the suit.
- (c) The respondent may please be ordered to pay the cost of this suit.
- (d) To pass any order or orders deem fit in the interest of justice in the circumstances. The respondent may please be directed to pay all the outstanding amount due to the petitioner and restore his retrenchment and take the petitioner into the regular service.
- (e) To quash the order of retrenchment passed by the respondent in the interest of the justice.

The management has filed written statement. In the written statement it has been stated that the present case is not an industrial dispute as the same has neither been espoused by any union nor the same is covered by Section 2 (oo) or Section 2 A of the ID Act, 1947 as it is also not a case of retrenchment or termination, discharge or dismissal etc. Therefore, the present alleged ID is not maintainable.

That it is submitted that there was no employer-employee relationship between the bank and what has been referred to by the appropriate government to this Hon'ble Tribunal cannot be termed as "Industrial Dispute" as per law laid down by the Apex Court. Further Shri Phool Singh cannot ask for regularization of his services with the bank dehorse the rules.

That the term "retrenchment" has been defined in Section 2 (oo) of the ID Act, 1947 and sub-clause (bb) of the said Section inter alia provides as under :

"Termination of the service of the workman as a result of non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein."

It is submitted that in the instant case, Shri Phool Singh was engaged for the limited period in stop-gap arrangement only and by virtue of Section 2 (oo)(bb) reproduced herein above the non-continuance of Shri Phool Singh

in the stop gap arrangement does not constitute retrenchment and accordingly, there can be no question of any violation of Section 25 F of the ID Act as alleged or otherwise.

That Shri Phool Singh is also not covered under Section 16.9 of the Desai Award which lays down that casual employees are excluded from the purview of the award.

It is submitted that all the allegations, submissions and averments made by Shri Phool Singh in the statement of claim dated 18-5-2004 be deemed to have been specifically denied unless they are specifically admitted in this reply.

It is submitted that Shri Phool Singh had been engaged in leave/stop-gap arrangement of a part time sweeper at BO : ECE House, New Delhi for a specific period i.e. as and when the regular sweeper had absented from the said office. Since the engagement of Shri Phool Singh was purely against leave/stop-gap arrangement, discontinuation of the same cannot be termed as retrenchment as defined under the provisions of Section 2 (oo)(bb) of the ID Act and accordingly, there cannot be any question of violation of Section 25 F or any other provisions of the ID Act, 1947.

That the bank had entered into a conciliation settlement dated 7-5-1984 with All India PNB Employees Federation over the matter of fixation of wages of part time sweepers and related matters. In terms of the provisions of the said settlement, the vacancies of part time sweepers of various offices are identified keeping in view the sweeping area of the concerned office as well as hours of work per week to be put in by the part time sweeper. It is also agreed that the vacancies of part time sweepers eligible for 1/2, 3/4 or full wages arising at the station where the bank has more than one office on account of any reason shall be filled up on the basis of seniority determined by converting the service put in at 1/3, 1/2, 3/4 of the scale wages into full time service. This procedure of filling up the vacancies is to be followed unless "thikana" system is in vogue at that particular area.

That the bank rules further provide that till such time a permanent part time sweeper is provided, the branch can make stop-gap arrangements. The persons engaged in such stop gap arrangements are entitled to a compensation equivalent to same proportion of scale wages but at the initial stage of scale of pay applicable to subordinate staff.

That Shri Phool Singh used to be engaged at BO : ECE House, New Delhi in stop-gap arrangement for a specific period i.e. as and when the regular sweeper used to be on leave/absent. It is further submitted that Shri Phool Singh had been working in stop gap arrangement as a part time sweeper at BO : ECE House for the specified period till the posting of a permanent part time sweeper.

It is denied that Shri Phool Singh was ever employed by the bank as a part time sweeper in BO : ECE House, New Delhi. It is reiterated that Shri Phool Singh was engaged only to clean the branch premises in leave/stop-gap arrangement of a permanent sweeper.

It is again reiterated that Shri Phool Singh was engaged only to clean the branch premises in leave/stop-gap arrangement of a part time sweeper for which the necessary payment was made to him as per bank's rules.

That the same are admitted to the extent that Shri Phool Singh had been working in a stop-gap arrangement as a part time sweeper at BO : ECE House, New Delhi for the specified period i.e. as and when the permanent part time sweeper proceeded on leave and also for the specified period till the appointment of a regular sweeper in the branch. Rest of the contents are denied.

It is stated that no person with the name Subhash has ever been appointed as a part time sweeper in BO : ECE House, New Delhi of the bank.

That they are admitted to the extent that Shri Phool Singh had been working as a part time sweeper in BO : ECE House, New Delhi up to January, 2000 intermittently in leave/stop-gap arrangement as and when the permanent part time sweeper proceeded on leave.

That it is stated that no person with the name Subhash has ever been appointed as a permanent part time sweeper in BO : ECE House, New Delhi. It is denied that any provision of law or principle of natural justice is violated in discontinuing the engagement of Shri Phool Singh in stop-gap arrangement.

That they are admitted only to the extent that the so-called industrial dispute was raised by Shri Phool Singh before ALC(C), which ended in failure of conciliation and the dispute stands referred for adjudication before this Hon'ble Tribunal/Court by the appropriate government with the terms of reference mentioned therein. Rest of the contents are denied.

That Shri Phool Singh was only engaged intermittently in leave/stop-gap arrangement whenever the permanent part time sweeper proceeded on leave. It is denied that any provision of law or principle of natural justice is violated in discontinuing the engagement of Shri Phool Singh in stop-gap arrangement.

Bonus has been paid to Shri Phool Singh as per Government/Bank Guidelines.

That as stated hereinabove in written statement of the management the claimant was engaged for a limited period in stop-gap arrangement only and was not appointed on permanent basis through a regular process of appointment and therefore according to the established law Shri Phool Singh is not entitled to claim regularization.

as claimed by him in view of the following law laid down by the Hon'ble Supreme Court :

- (a) Mahendra L. Jain & Others Vs. Indore Development Agency and others reported in Jt, 2004 (10) SC page 1 wherein the Hon'ble Supreme Court has held that the applicant not having been appointed by following the procedure prescribed for the service issuing advertisements etc., the appointments were void ab-initio of Articles 14 and 16 of the Constitution of India. The Hon'ble Supreme Court in its judgement has further held that the regularization cannot be claimed as a matter of right and an illegal appointment cannot be legalized by taking recourse to regularization.
- (b) The Hon'ble Supreme Court in the case of Himanshu Kumar Viyarthi Vs. State of Bihar reported in 1997 (76) FLR Page 237 and in the case of Union of India and others Vs. Bishambhar Dutt reported in 1997 (1) CLR 190 has held that termination and disengagement of casual/daily wagers cannot be treated as Industrial Dispute under the provisions of ID Act, 1947.

That in view of the submissions made hereinabove, it is respectfully submitted that this Hon'ble Tribunal may kindly be pleased to hold the action of the bank in discontinuation of stop-gap arrangement of Shri Phool Singh as just and proper and that Shri Phool Singh is not entitled to any relief as prayed for or otherwise.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that initially he was engaged on leave vacancy. Shri Subhash junior to the petitioner was continued whereas the petitioner was retrenched.

It was further submitted that the petitioner has completed 792 days service from 1991 to August, 2001 with the respondent's office but he was not given regular appointment illegally, unfairly, unjustly and discriminately. The petitioner was awarded the bonus of Rs. 1561.37 on 19-7-2002 but regular appointment was denied to him.

It was submitted from the side of the management that it was the duty of the workman to establish that he has worked for 240 days in the preceding year or in any of the years of his tenure i.e. 1991 to August, 2001. The workman

has admitted that he completed service of 792 days from 1991 to August, 2001. It has nowhere been mentioned as to in which year the workman performed 240 days work.

It was further submitted by the management that the workman has been given appointment in leave vacancy by way of stop-gap arrangement. He was engaged whenever any staff proceeded on leave and payments have been made to him for that period against leave stop-gap arrangement. His discontinuation cannot be termed as retrenchment as defined in Section 2 (oo) (bb) of the ID Act, 1947 and Section 25 F of the ID Act is not attracted.

It was further submitted that the workman has admitted that he was initially engaged on leave vacancy and he has alleged that thereafter he was given regular appointment. He was not given regular appointment at any point of time. He was engaged against leave vacancy and whenever regular employee proceeded on leave he was given engagement for that particular period.

From perusal of the record it transpires that the workman has admitted that he was engaged against leave vacancy but he was made regular thereafter. The workman has not filed any document to show that he worked for 240 days in any years of his employment. He has been paid bonus no doubt but even in the year of bonus he has not worked for 240 days. His admitted case is that he worked for 792 days in between 1991 to August, 2001 i.e. for 10 years. He has performed 792 days duties in 10 years. This indicates that he was engaged as stop-gap arrangement whenever regular staff proceeded on leave.

It was further submitted that the workman has admitted that he was discontinued when regular appointment was made. This also proves that the workman was engaged against leave vacancy or till a regular employee was selected. The workman has not filed any document to show that Shri Subhash was junior to him. He has not filed any document to show that Shri Subhash was continued or he was given regular appointment. There are no documents in support of this plea of the workman.

The management has filed balance sheet of Shri Phool Singh. From perusal of the balance sheet it transpires that he has worked for 7, 8, 10 days etc. in a month. The balance sheet proves that the workman was engaged when regular staff proceeded on leave i.e. he has been given periodical appointments in different months and in different years. The balance sheet also shows that the workman was engaged for particular days and payment was made to him for those days only. It is true that he has performed 792 days work in between 1991 to 2001 but he has not performed 240 days work in any of the years of his employment.

It is settled law that the working of 240 days should be proved by cogent documentary evidence. Mere assertions in affidavit that the workman has worked for 240 days is not sufficient to hold that the workman has

performed 240 days work. The workman has not filed any paper to substantiate his claim that he has worked for 240 days in any of the years of his employment. It is true that he may not have worked for 240 days in the preceding year but he has to establish that he has worked for 240 days in any year of his employment.

Section 25 F of the ID Act, 1947 postulates that the workman should be paid one month's pay in lieu of notice in case he has worked for 240 days continuously in the preceding year of termination of his services or in any of the years of his employment. The workman has not performed 240 days work in any of the years of his employment. No one junior to him has been given regular appointment after his retrenchment. He has stated that he was removed and regular staff was selected. In such circumstances Section 25 F of the ID Act, 1947 is not attracted. The workman is not entitled to retrenchment compensation. He is not entitled to get any relief as prayed for.

The reference is replied thus :

The action of the management of Punjab National Bank, E.C.E House, Connaught Circus, New Delhi in terminating the services of Shri Phool Singh, Ex. Sweeper (Temporary) is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Let copies of the Award be sent to the Ministry of Labour, Government of India for necessary action at the end.

Date : 28-2-2007.

R.N. RAI, Presiding Officer

नई दिल्ली, 8 मार्च, 2007

का.आ. 934. — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 22/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-2007 को प्राप्त हुआ था।

[सं. एल-12012/214/93-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2007

S.O. 934.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 22/94) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of Central Bank of India and their workmen, which was received by the Central Government on 7-3-2007.

[No. L-12012/214/93-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, RAJENDRA BHAWAN,
GROUND FLOOR, RAJENDRA PLACE,
NEW DELHI**

Shri R.N. Rai, Presiding Officer

I.D. No. 22/1994

IN THE MATTER OF :

Shri R.N. Sharma,
R/o. WZ-190, Mohalla Chotiyal,
Palam Village,
Delhi-110045.

Versus

The Dy. General Manager,
Central Bank of India,
Zonal Office, Link Hauz,
4, Bahadurshah Zafar Marg,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-12012/214/93-IR (B-II) Central Government dt. 17-2-1994 has referred the following point for adjudication.

The point runs as hereunder :

"Whether the action of the management of Central Bank of India, New Delhi in dismissing Shri Ram Niwas Sharma, Assistant Cashier w.e.f. 14-1-1988 is justified ? If not, what relief is the workman entitled to ?"

The Claimant has filed statement of claim. In his statement of claim, it has been stated that the workman concerned was appointed as an Assistant Cashier in clerical cadre in Central Bank of India in the year 1978 and his service conditions were governed by the provisions of the Sastry Award modified by the Desai Award and as further modified by the various Bipartite Settlements entered into from time to time between the management of various banks including Central Bank of India and their workmen. That in the year 1981 when the workman was working at Press Area, New Delhi Branch of the Bank, he was placed under suspension by the management for having omitted certain alleged acts of omissions/commissions

while posted at Shahbad Mohammedpur Branch of the Bank. This suspension was made with effect from 1-9-1981. The Bank had instituted criminal proceedings against the workman in the same matter for which he was suspended which are still pending before a criminal court at Delhi.

That about 5 years after the suspension of the workman the Regional Manager of the bank at its Regional Office-B, Delhi issued a memo dated 25-6-1986/1-8-1986 to the workman, making certain allegations against him in regard to having allegedly received an amount of Rs. 100 from a RDS Account Holder in January, 1981 and not depositing the same in the account of the said Account Holder. The workman submitted a reply dated 10-10-1986 to the aforesaid memo, denying the allegations made therein. Copies of the said memo and reply of the workman are attached as Annexure W/1 and W/2 hereto. That in spite of the reply submitted by the workman, the Regional Manager issued a charge sheet dated 15-12-1986 to the workman with a simultaneous order therein that an inquiry would be held against him as he had not submitted any explanation to the memo dated 25-6-1986/1-8-1986. This charge sheet was followed by a corrigendum dated 19-2-1987 stating that the narration in the charge sheet, "In spite of sufficient time given to him, no explanation is offered by him till date " may be substituted by the narration "Mr. Sharma's explanation dated 10-10-1986 has not been found satisfactory." Copies of the charge sheet and corrigendum are attached as Annexure W/3 and W/4 respectively hereto.

That one Mr. Satish Chopra who had been appointed as the Inquiry Officer to hold the inquiry against the workman simultaneously with the issuance of the charge sheet on 15-12-1986 commenced the inquiry on 17-1-1987, which was concluded on 14-5-1987 and after submission of the arguments by the bank's Presenting Officer and the Defence Representative of the workman, the Regional Manager/Disciplinary Authority issued to the workman a show cause memo of order of proposed punishment dated 11-12-1987 which together with a copy of the findings of the Inquiry Officer dated 26-9-1987 were delivered to the workman on 16-12-1987. A copy of the show cause memo/order of proposed punishment is attached as Annexure W/5 hereto. That the workman appeared before the Disciplinary Authority on 11-1-1988 and in the hearing held before him on that date, the workman filed his submissions in reply to the show cause memo/order of proposed punishment, where after the Disciplinary Authority passed a final order dated 16-1-1988 awarding and imposing upon the workman the punishment of dismissal from service as already proposed in the show cause memo dated 11-12-1987. Copies of the submissions made by the workman before the Disciplinary Authority on 11-1-1988 and the final order passed by the Disciplinary Authority on 16-1-1988 are attached as Annexure W/6 and W/7 hereto.

That the workman then preferred an appeal dated 3-3-1988 before the Deputy General Manager/Appellate Authority at the Zonal Office, New Delhi of the Bank which was heard on 3rd May, 1988 but was rejected by the Appellate Authority by an order dated 14-9-1988, a copy of which is attached and marked as Annexure W/8 hereto. That the workman aggrieved by the action of the management raised an Industrial Dispute in the matter before the Assistant Labour Commissioner (C), New Delhi, but the conciliation proceedings initiated by the ALC (C), New Delhi ended in failure of any settlement and the government referred the dispute thereafter to this Hon'ble Tribunal for adjudication vide its order dated 17-2-1994.

The management has filed written statement. In the written statement it has been stated that the opposite party, Central Bank of India hereinafter referred to as "the Bank" most respectfully submit its written statement to the statement of claim dated 19th April, 1994. Before giving para-wise reply to the statement of claim the bank raised the following preliminary objections to the maintainability of the present statement of claim and the Industrial Dispute. It is stated that the workman concerned, Shri Ram Niwas Sharma was involved in various acts of gross misconduct while working as Assistant Cashier at B/o. Shahbad Mohd. Pur, New Delhi. He was allotted the duties of work of cash receipts and payments, HSS Ledger postings and completion of pass books. While working in the said branch, Shri R.N. Sharma misappropriated funds to the tune of over Rs. 18,000 from various parties maintaining their HSS account at the said branch by making fictitious entries without accounting for the cash deposited by them through the proper channel of books maintained at the branch.

It is stated that when this fraud came into light of the bank immediately put Shri Ram Niwas Sharma, the workman concerned under suspension and thereafter issued a memo dated 3-8-1981 to Shri Sharma whereby his explanation was called upon to explain about his act of manipulation/misappropriation of amounts in the HSS account of various parties while working as Assistant Cashier at B/o. Shahbad Mohd. Pur, New Delhi within stipulated period. Thereafter another memos dated 14-9-1981 and 13-2-1982 were issued to Shri Sharma. It is stated that despite various reminders dated 18-8-1981, 1-9-1981 and 21-10-1981, the workman concerned did not submit his explanation.

It is stated that Shri R.N. Sharma, the workman concerned while working at B/o. Shahbad Mohd. Pur, New Delhi involved in the acts of misappropriation and manipulation of amounts in various accounts of the parties the details of which have been mentioned hereinafter. It is stated that when no reply was received by us, a charge sheet dated 26-7-1983 was issued to Shri Ram Niwas Sharma, the workman concerned, wherein full details of manipulation and misappropriation of amount committed by Shri Ram Niwas Sharma, the workman concerned was given. He was

also informed vide the said charge sheet the name of the Inquiry Officer and was also advised that he will be permitted to be defended by a representative of a registered trade union of bank employees of which he is the member. This charge sheet was received by him as is apparent from Annexure M-I. The charges leveled against the workman concerned, Shri Ram Niwas Sharma are stated herein below :

"During the course of performance of his duties, Shri Ram Niwas Sharma has misappropriated funds to the tune of over Rs. 18,000 from various parties maintaining their HSS A/cs. At the branch by making various fictitious entries without accounting for the cash deposited by them through the proper channel of book maintained at the branch. The details of several such entries appearing in accounts are given below whereby it transpired that Shri Ram Niwas Sharma made a number of credit and debit entries under his initial though there were no respective cash receipts and payments shown in the cash receipt/ payment books, Cash Scroll Book and Detail Book :

Sl No.	Date of receipt	Name of A/c Holder	A/c No.	Loose Leaf No.	Amount (Rs.) Dr/Cr.
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(1)	(2)	(3)	(4)	(5)	(6)
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LEDGER NO. 1

1.	2-5-1981	Sardare	93	195593	50/- (Cr.)
2.	14-5-1981	Principal CGHS School	156	195695	60/- (Cr.)
3.	14-4-1981	Sardare	177	195671	2000/- (Cr.)
4.	1-4-1981	Ramu	298	195854	2000/- (Dr.)

LEDGER NO. 2

5.	5-1-1981	Chandgi Ram	385	196010	100/- (Dr.)
6.	10-1-1981	R.S. Bharel	516	621369	500/- (Cr.)
7.	4-2-1981	Bhajan Lal	427	624918	160/- (Cr.)
	2-3-1981	Bhajan Lal	427	624918	100/- (Cr.)
	2-5-1981	Bhajan Lal	427	624918	100/- (Cr.)
8.	12-4-1981	Bimla Devi	486	624923	100/- (Cr.)
	23-4-1981	Bimla Devi	486	624923	100/- (Cr.)
9.	1-5-1981	Prem Vati	515	621115	150/- (Cr.)
10.	3-4-1981	MS Lamba	633	621214	50/- (Cr.)
11.	12-2-1981	OP Bhutani	437	624919	500/- (Cr.)

(1)	(2)	(3)	(4)	(5)	(6)
LEDGER NO. 3					
12.	7-1-1981	Ram Nath	854	195817	400/- (Cr.)
13.	17-1-1981	Nand Kishore	857	624624	1450/- (Cr.)
14.	7-1-1981	Usha Kaushik	813	621470	250/- (Cr.)
15.	22-1-1981	Chhaju Ram	873	634639	2100/- (Dr.)

LEDGER NO. 4

16.	11-5-1981	Sunita	1420	196107	50/- (Cr.)
17.	9-5-1981	Hanuman Mandir	1317	195986	230/- (Cr.)
18.	14-1-1981	Sri Chand	1222	621385	400/- (Cr.)
19.	16-5-1981	Ashok Kumar	1078	624865	120/- (Cr.)
20.	14-1-1981	Phoolwati	1052	624895	250/- (Cr.)
21.	6-5-1981	Sri Kishan	1364	196035	300/- (Cr.)
22.	1-1-1981	Raj Mal	1361	196031	40/- (Cr.)
23.	31-3-1981	Hari Dutt	1392	195996	50/- (Cr.)
24.	26-3-1981	Smt. Kishan	1364	196035	100/- (Cr.)
25.	28-2-1981	Parmanand	1282	195804	1200/- (Cr.)
	2-4-1981	Parmanand	1282	195804	1000/- (Cr.)
26.	2-4-1981	Smt. Misri	1136	624817	700/- (Cr.)
27.	15-5-1981	Sohan	1149	624977	400/- (Cr.)
28.	March, 1981	Roop Kaur	1310	195979	1300/- (Cr.)

It has also been observed that though debit entries as indicated above were made in the HSS accounts but no such cash withdrawal were made. Evidently Shri R.N. Sharma manipulated these debit entries in order to cover up the fictitious credit entries made by him in the various HSS accounts. Besides above, Shri R.N. Sharma has also manipulated the below noted accounts at B/o. Shahbad Mohd. Pur by making fictitious credit entries as detailed below without depositing the said amount received by him from the respective depositors and has thus misappropriated the said amounts :

Sr. No.	Name of the A/c Holder	HSS A/c No.	Date & Amount of credit entry	
(1)	(2)	(3)	(4)	(5)
1.	Sher Singh	541	May, 1980	1000/-
2.	Tek Chand	580	15-5-1980	500/-
3.	Rattan Singh Gaur	622	May, 1980	600/-
4.	Sita Ram	842	30-6-1980	500/-

(1)	(2)	(3)	(4)	(5)
5.	Savitri Bhoral	998	20-6-1980	300/-
6.	Millo Lal	1202	11-2-1980	100/-
7.	Jai Kishan	1114	May, 1980	300/-
8.	Chandgi Ram	123	17-10-1980	900/-
9.	Munshi Ram	1009	6-10-1980	1200/-
10.	Rajinder Singh Bhoral	516	20-11-1980	500/-
11.	Pooran Singh	941	26-11-1980	1000/-
12.	Munshi Ram	1009	6-11-1980	800/-
13.	Sita Ram	842	11-11-1980	300/-
14.	O.P. Yadav	1050	5-12-1980	800/-

It is also observed that, he has made manipulations as detailed in the HSS accounts at Shahbad Mohd. Pur Branch by making fictitious debits to cover up his manipulation in respect of misappropriation of credits, so as to manipulate tallying of ledger balances :

Sr. No.	Name of the A/c Holder	HSS A/c No.	Date & Amount of credit entry
1.	Smt. Barfi	376	26-6-1980 100/-
2.	Sat Pal Arora	678	26-6-1980 2000/-
3.	Ram Kanwar S/o Rella	1033	28-6-1980 800/-
4.	Smt. Sahib Kaur	1195	May, 1980 400/-
5.	Mam Chand	311	3-10-1980 900/-
6.	Sis Ram	1005	4-10-1980 1200/-
7.	Umed Singh Lamba	520	20-12-1980 500/-
8.	Ram Phool Sharma	962	17-11-1980 2100/-
9.	Smt. Badamo Devi	1043	No date 800/-

Besides what is stated above it is further observed that Shri Ram Niwas Sharma has tampered with the records of the bank and made several manipulations in the following accounts :

A/c 801—Bhagwati (Loose Leaf No. 624570)

On 10-4-1981 credit entry of Rs. 500 was made by Shri R.N. Sharma in Ledger as well as in pass book but no such entry is reflected in Cash Scroll and in Cash Receipt Book. This entry was subsequently cancelled in the ledger.

A/c 956—Krishna Devi (Loose Leaf No. 624721)

On 15-10-1980 credit entry for Rs. 1500 as made in the ledger by Shri R.N. Sharma and subsequently on 19-12-1980 the ledger entry was cancelled by him.

A/c 1282—Parmnand (Loose Leaf No. 195804)

On 2-4-1981 ledger shows credit of Rs. 1000 which was not entered in Scroll and in Cash Receipt Book. On 30-4-1981 an amount of Rs. 1050 was allowed to be withdrawn against the said credit. On the back of withdrawal slip the signature of Shri R.N. Sharma appears and which shows that he had taken the payment and later on 13-6-1981 a sum of Rs. 910 was deposited by Shri R.N. Sharma under his signature in the deposit slip.

A/c 1005—Sri Ram Vahti (Loose Leaf No. 524771)

On going through this account it has been revealed that entries made in ledger and pass book do not tally. On 4-10-1980 a debit of Rs. 1200 was entered in the ledger and again on 3-4-1981 a sum of Rs. 1200 was credited in the party's account and balance was increased by that amount. Later on 7-4-1981 the balance was corrected by Shri R.N. Sharma

A/c 1310—Roop Kaur (Loose Leaf No. 195979)

Sometime in March, 1981 a sum of Rs. 1300 was debited in the ledger account of the party and later in July, 1981 the balance was changed and corrected by Shri R.N. Sharma in the ledger as well as in the balance book.

A/c 177—Sardare (Loose Leaf No. 195671)

On 14-4-1981 a credit entry of Rs. 2000 was made in the ledger as well as in the pass book of the party under the signature of Shri R.N. Sharma though no such entry was available in the Scroll and in Cash Receipt Book. Again withdrawal of Rs. 1000, Rs. 300 and Rs. 100 were allowed against the said deposit, although no such deposit as per bank's record was made but the said withdrawal of Rs. 1400 were allowed (whereby the A/c stood over drawn by Rs. 951.59).

It has also been revealed that on 15-6-1981 the following amounts in cash were deposited in the parties accounts without any signature of the depositor in the vouchers.

Account No.	Amount
1317	Rs. 230
1364	Rs. 300
1392	Rs. 50
1445	Rs. 200

"The aforesaid acts of Shri R.N. Sharma are prejudicial to the interest of the Bank constituting gross misconduct within the meaning of Para 19.5 (i) and 19.5 (j) of the BPS."

It is stated that the bank has also filed an FIR in regard to various acts committed by the workman concerned. Shri R.N. Sharma and the police after

investigation filed a charge sheet in the court. In view of this the bank had kept the disciplinary action against the workman concerned in abeyance. It is stated that after the charge sheet was filed by the police in the Criminal Trial Court, further proceedings were held and the latest position in this case as informed by the police to the bank is that the case was fixed for the evidence of the prosecution on 31st March, 1994. Further information regarding proceedings in the court have not been received from the police so far.

It is stated that further investigation revealed that the workman concerned, Shri R.N. Sharma was involved in further acts of gross misconduct for which he was served with a memo dated 25-06-1986. A reminder was issued to this memo dated 19-9-1986. It is mentioned that even after a lapse of about three months the workman concerned did not submit any explanation to the said memo. Hence the bank proceeded in the matter on the basis of available facts and issued him a charge sheet dated 15-12-1986 in which following charges were leveled against him :

"On 31-1-1981, Shri R.N. Sharma while working at B/o. Shahbad Mohd. Pur had received the following amounts for credit of under noted accounts mentioned against each, from the respective depositor :

1. Rs. 100 for credit of RDS A/c 103 Shri Deep Chand Saini.
2. Rs. 100 for credit of RDS A/c 185 Shri Raj Kumar Saini.

In case of RDS A/c 103 relating to Shri Deep Chand Saini, Shri Sharma got one pay-in-slip for Rs. 100 scrolled and accounted for amount but in the case of RDS A/c 185 pertaining to Shri Raj Kumar Saini, Shri Sharma neither got the pay-in-slip for Rs. 100 scrolled nor accounted for.

However, Shri Sharma had made the credit entry of Rs. 100 each in the respective pass book of the above mentioned accounts duly initiated by him with a view to dupe the cited accounts holders and took monetary advantage thereof. The pay-in-slip of Rs. 100 pertaining to RDS A/c 103 was duly posted in bank ledgers. But subsequently, Shri Sharma had intentionally changed the account of 103 to 185 by tempering with bank's records so as to show as if the amount of Rs. 100 was originally deposited in the account of RDS 185. His mischievous motive was self vitiated as Shri Deep Chand Saini's name remained unaltered, bearing scroll No. 3 and recorded as "RDS 103 account Deep Chand" in Cash Receipt Book and thus he has pocketed a sum of Rs. 100 paid in by Shri Raj Kumar Saini's RDS 185 for depositing in his RDS A/c.

"The aforesaid acts of omission/commission on the part of Shri Ram Niwas Sharma constitute gross misconduct within the meaning of Clause 19.5(j) of the BPS."

It is stated that the workman concerned was advised vide the said charge sheet that he will be allowed to be represented by a representative of a registered trade union of the bank employees of which he is the member. The bank submits that as a matter of fact the workman concerned was represented by the President of the Central Bank Staff Union, Shri Tara Chandra Gupta during the course of the entire inquiry proceedings.

The workman applicant has filed rejoinder. In his rejoinder he has denied most of the paras of the written statement and has stated that no show cause notice was given to him. No opportunity of submitting application was given to him. His guilt was prejudged. The fraud alleged related to January, 1981 whereas the charge sheet was given to him after five years.

Both the parties have adduced evidence.

This case has been remanded by the Hon'ble Delhi High Court by order dated 16-11-2006 for hearing fresh argument. The previous award dated 20-12-2004 has been set aside.

Heard arguments from both the sides again.

It was submitted from the side of the workman that initially charge sheet dated 26-7-1983 was served on him but the matter has not been inquired into. Fresh charge sheet was issued to him on 15-12-1986. His representation to show cause notice has not been considered. He sent explanation to the memo dated 25-6-1986, 19-9-1986 on 10-10-1986 but without considering the explanation chargesheet dated 15-12-1986 was served on him. The management has issued corrigendum dated 19-2-1987 and it has been stated that explanation of Shri R.N. Sharma has been considered and it has not been found sufficient. This corrigendum dates back to 19-2-1987 whereas charge sheet was served on Mr. Sharma on 15-12-1986, so his representation has not been considered.

It transpires from perusal of the record that inquiry was not held on charge sheet dated 26-7-1983 as an FIR was lodged in regard to various acts committed by Shri R.N. Sharma and Police filed a charge sheet in the Court. In view of criminal trial pending before the Court of law, no inquiry was held on the charge sheet dated 26-7-1983.

It further transpires that Shri R.N. Sharma was acquitted of the charges in the criminal trial by judgement dated 6-1-1995. The trial ended in the acquittal of the accused workman as the witnesses examined did not support the case of the prosecution.

The charge sheet dated 15-12-1986 was issued when fraud and embezzlement was traced by the bank regarding the previous acts of the workman. The inquiry has been held on charge sheet dated 15-12-1986.

It was submitted from the side of the workman that he has been served with charge sheet dated 15-12-1986 by letter dated 24-12-1986 and on 19-2-1987 a corrigendum has been issued which mentions the extension dated 10-10-1986 of the workman. It was found not satisfactory by the management.

It appears that a charge sheet was issued to the workman on 26-7-1983 in which embezzlements of 3-8-1981, 14-9-1981 and 13-2-1982 have been mentioned. In this charge sheet several irregularities have been pointed out. It appears that no inquiry has been held on this charge sheet. Shri N.M. Ahuja, Chief Officer, Parliament Street was appointed Inquiry Officer.

From perusal of the inquiry report it appears that evidence has not been taken by the management regarding this charge sheet.

The management in the course of inquiry has examined Shri K.K. Kohli as MW1. The management has further examined MW2, Shri Raj Kumar Saini, Village : Shahbad, Md. Pur, New Delhi. The management examined Shri Ashok Kashyap, MW3, Handwriting Expert.

From the perusal of the inquiry report it becomes quite obvious that all the 3 witnesses have been cross-examined by the workman in detail by his DR. the Inquiry Officer after analyzing the evidence of these witness has given his findings.

In the charge sheet dated 15-12-1986 it has been specifically mentioned that on 31-1-1981 the workman did not mention the money deposited in the credit of account of 103 of Shri Deep Chand Saini and account 185 of Shri Raj Kumar Saini.

It has been further alleged that the workman did not mention the money to dupe account holders and took monetary advantage thereof. It has been further alleged that the workman has intentionally changed the account No. 103 to 185 by tampering with bank's record, so as to show that the amount of Rs. 100 was originally deposited in the account of RDS 185.

It further transpires that in the chargesheet dated 26-7-1983 there is allegation of embezzlement of fund to the tune of over Rs. 18,000 from the various parties maintaining there HSS account in the branch by making various fictitious entries without accounting for the cash deposited by them through proper channel of the books maintained at the branch. From the perusal of the evidence in the inquiry it becomes quite obvious that evidence has not been laid on the charge sheet dated 26-7-1983.

So far as charge sheet dated 15-12-1986 is concerned, the management has examined 3 witnesses. They have been cross-examined by the DR of the workman in length. The Inquiry Officer has given his reason for holding the charge proved. The Disciplinary Authority has also considered

the representation of the workman, so it cannot be said that the Disciplinary Authority passed a cryptic order. The Inquiry Officer has also analyzed the evidence in details.

The management has examined during the inquiry Shri Raj Kumar Saini in whose account Rs. 100 was not deposited. He made a complaint dated 18-2-1986. He has confirmed his letter in his examination in chief. This witness has been cross-examined. He has specifically stated that Rs. 100 paid by him has not been accounted by the CSE. MW3, the handwriting expert has specifically stated that the disputed entry, 1 and question 2 are in the handwriting of the person whose standard writing are S-series i.e. Shri R.N. Sharma. The handwriting expert has been cross-examined by the DR of the workman and he has proved that the disputed and admitted handwriting are of the same person. The workman has not produced the report of the handwriting expert it is proved that there is tampering of the accounts of Shri Deep Chand Saini.

It was submitted from the side of the workman that the charge sheet dated 1983 contains several accounts but no evidence has been laid on the embezzlement and the tempering of the accounts of the person mentioned in the charge sheet. It becomes quite obvious that evidence on charge sheet dated 15-12-1986 was available, so the management has taken evidence of the complainant Shri Raj Kumar Saini and Mr. Kohli, the Account Officer and Mr. Kashyap, the handwriting expert.

It was further submitted from the side of the workman that the explanation to charge sheet dated 15-12-1986 has not been considered by the management. No prejudice has been caused in case representation has not been considered at the time of issuing charge sheet and the workman has not shown as to what prejudice has been caused to him. It is true that evidence has not been laid regarding the charge sheet dated 12-1-1983 but there is sufficient evidence. So far as chargesheet dated 15-12-1986 is concerned. Tampering of the documents is proved by the examination in chief and cross-examination of the witnesses. The complainant has also deposed in the inquiry and it has not been suggested to him that he was prejudiced or he was in collusion the bank.

It is not within the jurisdiction of this Tribunal to consider the adequacy or otherwise of the evidence. It is settled law that in departmental inquiry charge can be held proved on the single testimony of the department. In the instant case 3 witnesses have been examined.

The law regarding evidence in inquiry has been summarized by the Bench of 3 judges in 1997 Lab IC 845. It has been held as under :

"In a domestic inquiry the strict and sophisticated rules of evidence under the Evidence Act may not apply. All materials which are logically probative for a provident mind are permissible. There is no allegry

to hearsay evidence provided it has reasonable nexus and credibiity. The departmental authorities and administrative tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Evidence Act."

"The sufficient of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record."

In the instant case as mentioned above the management has examined 3 witnesses, MW1 is the Accounts Officer, MW1 is the complainant and MW3 is the Handwriting Expert. All the 3 witnesses have been adequately cross-examined by the DR of the workman. They have consistently deposed that there is tampering of records and embezzlement of atleast Rs. 100. It has been held in Jagmohan Reddy's case as under :

"An Industrial Tribunal would not be justified in characterizing the finding recorded in the domestic inquiry as perverse unless it can be shown that such a finding is not supported by any evidence, or is entirely opposed to the whole body of the evidence adduced before it. In a domestic inquiry once a conclusion is deduced from the evidence, it is not permissible to assail that conclusion even though it is possible for some other authority to arrive at a different conclusion on the same evidence. There is also no rules of evidence which lays down that the evidence of a solitary witness cannot be relied upon or merely because there is only a solitary witness in support of the charge, no conclusion can be based upon it even though the evidence of that witness is acceptable as true."

It has been held in this case that in domestic inquiry evidence of a solitary witness is sufficient to hold the charges proved.

It has been held in 2001 in 2001 (89) FLR 427 as under :

"It is well settled that a conclusion or finding of fact arrived at in a disciplinary inquiry can be interfered with by the court only when there is no material for the said conclusion; or that on the materials, the conclusion cannot be that of a reasonable man."

It becomes obvious from this law laid down by the Hon'ble Apex Court that the Court can interfere only when there is no material on record. In the instant case there is sufficient material. In a departmental inquiry the standard of criminal trial is not required and technical rules of evidence are not attracted. In the instant case there is embezzlement of at least Rs. 100 and tampering of the records. The workman cannot get the benefit of acquittal in the trial on

chargesheet dated 1983. The management was competent to inquire into the charges of 1983 also but since criminal trial was initiated by the prosecution, the management did not hold inquiry on the chargesheet of 1983. The management has not precluded from holding inquiry on the embezzlement which was detected later on. The inquiry has been held regarding charge sheet of 1986 and the Inquiry Officer has found the charges proved. Disciplinary proceedings are not a criminal trial. The scope of inquiry is entirely different from that of the criminal trial in which the chargesheet is required to be proved beyond doubt. In domestic inquiries preponderance of probability and some material on record are sufficient to reach the conclusion against the delinquent employee.

I have perused the case law cited by the workman. It is not proper to mention the law cited by the workman as they are not relevant.

The punishment of dismissal is not disproportionate or shocking to the conscience of the court though there is embezzlement of a meager amount of Rs. 100. Tampering of the records has also been proved. The post of a bank employee is a post of repose and faith. If there is embezzlement of only a meager amount in that case also the punishment of dismissal can be awarded.

It is settled law that a Court or Tribunal on its own views cannot set aside the findings of the Inquiry Officer. I have perused the records carefully and thoroughly. The findings of the Inquiry Officer, Disciplinary Authority and the Appellate Authority are not perverse. The findings are based on material placed on records. It cannot be said that this is a case of no evidence. The findings of the Inquiry Officer are not liable to be set aside even on the grounds of delay.

Delay is not material in the case of moral turpitude. It has been held by the Hon'ble Supreme Court in between B.C. Chaturvedi and Union of India & Ors. with Union of India & Anr. and B.C. Chaturvedi as under :

"Delay in initiating disciplinary proceedings—cannot by itself be regarded as violative of Article 14 or 21 of the Constitution. The Court or Tribunal in its power of judicial review does not act as an appellate authority to re-appreciate the evidence and to arrive at its own independent finding on the evidence—Tribunal held not justified in interfering with the punishment imposed by the disciplinary authority."

It has been further held as under :

"Adequacy of evidence or reliability of evidence cannot be permitted to be canvassed before Court/Tribunal."

"The High Court/Tribunal, while exercising the power of judicial review cannot normally substitute its own conclusion on penalty and impose some other

penalty, unless the punishment imposed by the disciplinary or the appellate authority shocks the conscience of the High Court/Tribunal."

In the facts and circumstances of the case punishment of dismissal is not disproportionate. Delay has not caused any prejudice to the workman.

The embezzlement was detected in 1983 and 1986. The chargesheet has been served promptly. In such case the periods of limitation runs not from the date when fraud was committed but from the date when fraud or embezzlement was detected. Embezzlement in the instant case was detected in 1986 pertaining to previous period of 1981 or 1982 and chargesheet was promptly served on the delinquent. Proper inquiry has been held and the workman has been given sufficient opportunity to cross examine the witnesses, adduce his evidence. He has been given 2nd show cause notice regarding proposal of punishment of dismissal, so delay is not material in the case of misappropriation and embezzlement. Principles of natural justice have been observed in the inquiry. It is not liable to be set aside. The workman applicant is not entitled to get any relief.

The reference is replied thus :

The action of the management of Central Bank of India, New Delhi in dismissing Shri Ram Niwas Sharma, Assistant Cashier w.e.f. 14-1-1998 is justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Let copies of the Award be sent to the Ministry of Labour, Government of India for necessary action at the end.

Date : 27-2-2007 R.N. RAI, Presiding Officer

नई दिल्ली, 8 मार्च, 2007

का.आ. 935.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अर्नाकुलम के पंचाट (संदर्भ संख्या 94/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07-3-2007 को प्राप्त हुआ था।

[सं. एल-12012/216/2001-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 8th March, 2007

S.O. 935.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 94/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the

Industrial Dispute between the management of Union Bank of India and their workmen, which was received by the Central Government on 7-3-2007.

[No. L-12012/216/2001-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P. L. Norbert, B.A., L.L.B., Presiding Officer

I. D. No. 94/2006

(I.D. 8/2002 of Labour Court, Ernakulam)

Workman : V. Abraham
Kavalakkal House,
Manjummel, P.O.,
Kochi-683 501.

Adv. H.B. Shenoy

Management : Assistant Manager,
Union Bank of India,
Regional Office, M.G. Road,
Kochi-682 035.

Adv. Shri A.S. P. Kurup

AWARD

This is a reference made by Central Government under Section 10(1)(d) of Industrial Disputes Act, 1947 for adjudication. The reference is :

"Whether the alleged termination of services of Shri V. Abraham by the management of UBI is correct, legal or justified ? Whether the applicant is eligible for all benefits and relief in the light of decision of Supreme Court granting status of workman to the Deposit Collectors ? If not, what relief the concerned workman is entitled to ?"

2. The facts of the case in brief are as follows :

According to the claimant he was employed as a regular Mini Deposit Collection Agent at Manjummel Branch of Union Bank of India since 3-4-1975. He had been discharging his duties diligently and honestly. However, in December 1983, he was suspended from service by the management without notice and without assigning any reason. The claimant had been approaching the branch of bank requesting to allow him to resume duty. The Branch Manager wanted the claimant to wait till the verdict in I.D. 14/80 pending before National Tribunal, Hyderabad. On 22-12-1988 an award was passed by the National Tribunal, Hyderabad. The claimant thereafter submitted an application on 16-8-1989 requesting to absorb him as sub-staff of the bank. Then the claimant was told by the Branch

Manager that the award was being challenged before High Court of Andhra Pradesh and he will have to wait till the decision of the High Court. Finally the matter was taken up before Hon'ble Supreme Court and by judgement dated 13-1-2001 the award of National Tribunal, Hyderabad was upheld finding that the deposit collection agents are 'workman' within the definition of S-2(s) of I.D. Act. Even thereafter the management did not take back the claimant. The action of the management is illegal and unjust. The workman is without employment and is in great difficulties. The workman is entitled to be reinstated with back wages, continuity of service and other benefits.

3. According to the management the reference is bad and unsustainable. The claimant is not a workman of the bank. The management has not terminated the service of the claimant. Hence there is no industrial dispute in existence. As per an agreement the claimant was authorized to work as a mini deposit collection agent at Manjummel Branch of the bank. He was given commission according to the collection. He was not entitled to the benefits given to regular employees. He was not entitled to terminal benefits. The claimant was neither suspended nor terminated from service. The agreement between him and the bank alone was suspended. There were complaints against the claimant that by receiving bribe and in collusion with the then Branch Manager loans were granted to various persons from the Bank. The matter was investigated by the Vigilance Department of the bank. Hence the management had to suspend the agreement with the claimant. There is long delay of 18 years and lapse on the part of the claimant in raising an industrial dispute. The bank had never given any promise that the employment of the claimant will be considered after the verdict in industrial dispute pending before National Tribunal, Hyderabad. The claimant was not entitled to get any notice of termination or compensation in lieu of notice. There was no need for conducting a domestic enquiry as he was not a regular employee of the bank. Since the claimant was engaged in illegal and unlawful activities the contract was suspended by the bank. The claimant is not entitled to any relief.

4. In the light of the above contentions the following points arise for consideration :

- (1) Is the dispute stale?
- (2) Whether the claimant was terminated from service? If so, is the termination legal?
- (3) To what relief is the workman entitled?

The evidence consists of the oral testimony of WW1 and documentary evidence of Exts. W1 to W4 on the side of workman and MW1 and Exts. M1 to M9 on the side of management.

5. Point No. (1):

It is an admitted fact that the claimant was appointed as a mini deposit collection agent on 3-4-1975 in Manjummel

Branch of Union Bank of India. He was terminated from service w.e.f. 5-12-1983. The industrial dispute was raised in 2002. Thus, it is after 18 years that the dispute was raised. But, according to the workman, ever since he was suspended from service he was approaching the bank every now and then requesting to allow him to resume duty. But he was asked to wait until the verdict in I.D. 14/80 pending in National Industrial Tribunal, Hyderabad. When the award was passed and was published in 1989 the claimant submitted an application to the bank requesting to absorb him as a sub-staff. He was called by the Branch Manager for a personal discussion. When he approached the Branch Manager he was asked to wait till the decision of Andhra Pradesh High Court where the award was challenged. Finally the matter was taken up before Hon'ble Supreme Court and the decision of the Supreme Court came out in 2001. Even then the bank did not act in terms of the final verdict of the Hon'ble Supreme Court. Hence the industrial dispute was raised in 2002.

6. Regarding the submission, that after he was terminated from service in December, 1983 he has been approaching the bank with a request to allow him to continue in service as deposit collector, there is only the *ipse dixit* of the worker. However, in 1989 he had submitted an application to the bank requesting the bank to absorb him as sub-staff. This was done after the verdict of National Industrial Tribunal, Hyderabad. Ext. M5(a) is the original application submitted to the bank. This is admitted by the bank. While the claimant was suspended from service or terminated from service the industrial dispute regarding the status of deposit collection agents was pending before National Industrial Tribunal, Hyderabad. The Union Bank was a party to the I.D. Besides, as a member of Indian Banks Association (IBA) also UBI was a party. Thus the issue was very much alive when the claimant was terminated from service. Hence even if the claimant had not made a representation in writing to the bank before 1989 it cannot be said that the claimant had abandoned his claim and slept over the matter for a period of 6 years after his termination. The very reason why Ext. M5(a) application was submitted by the claimant after 6 years is itself indicative of the fact that he was waiting for the outcome in I.D. 14/80 of Industrial Tribunal, Hyderabad. Admittedly, after the verdict of National Tribunal, Hyderabad the matter was taken up before Andhra Pradesh High Court and the apex court. The final decision of Hon'ble Supreme Court was on 13-1-2001. Immediately thereafter the present dispute was raised by the claimant. Therefore there is no delay in raising the industrial dispute. The claimant did not do so early because of the pendency of I.D. 14/80 of National Industrial Tribunal, Hyderabad.

7. Point No. (2):

According to the claimant he was suspended from service. According to the management there was neither

suspension from service nor termination of service but only suspension of the agreement between the parties. These rival contentions are nothing but acrobatics of terminology. Whether the agreement was suspended or the person was suspended the effect is that the worker was kept out of service for a long time and it amounts to termination of service. It is relevant to note Para 2 of the claim statement of the workman that in December, 1983 the management bank had suspended the workman's service without giving him any notice. But in the relief portion he retracted and said that the action of the management in terminating the service of the workman is illegal and unjust and has to be declared so, that the workman is entitled to all the benefits and reliefs in the light of the decision of Hon'ble Supreme Court and that the claimant is entitled to be reinstated in service with back wages, continuity of service and other attending benefits. Thus the claimant has ultimately admitted that, what was done by the management in December, 1983, was termination of service. In Para 6 at page 4 of the written statement the management contends that the agreement was suspended and not the worker. It also denies to have terminated the service of the worker. Ext. M5(a) contains as annexure which is a termination order issued by the Regional Manager of the bank to the claimant on 1-12-1983. The wording of the order is that the services of the claimant were terminated as per clause 11 of the agreement w.e.f. 5-12-1983. Ext. M5(a) application of the claimant shows that he had enclosed a copy of termination order. Thus the very order issued by the bank to the claimant is a termination order and not an order of suspension of the agreement. Therefore all the contentions of both parties regarding the disruption in service are nothing but jugglery of words. In short, the bank had terminated the services of the worker on 5-12-1983.

8. The next question is whether the termination is legal. According to the claimant, the National Industrial Tribunal, Hyderabad and subsequently the Hon'ble Supreme Court have held in I.D. 14/80 that the mini deposit collection agents are 'workmen' within the definition of S-2(s) of I.D. Act. Therefore the claimant too is entitled to the benefits of the award. He has been working since 1975 to December, 1983 and had put in more than 240 days of continuous service prior to the termination. Hence he is entitled to get a notice of termination or compensation in lieu of notice as per S-25F of I.D. Act. That was not done by the bank. Hence the termination is illegal. However, according to the bank the award was passed by the National Industrial Tribunal, Hyderabad in 1988 and was published by the Government in 1989. But the claimant was terminated from service in 1983. Therefore the award of National Industrial Tribunal can have no bearing on a decision taken by Management in 1983. But this argument does not appear to be sound. The industrial dispute before National Industrial Tribunal, Hyderabad was raised in 1980.

The issue was regarding the status of mini deposit collection agents in different banks in India. While pending that issue the worker in this case was terminated from service. Since the bank was a party to I.D. 14/80 and a common issue was pending before a National forum, the award is binding and applicable to all mini deposit collection agents in banks as well as the member banks of IBA. Hence the award in I.D. 14/80 is applicable to the claimant in this case also. Since deposit collection agents are held to be 'workmen' within the definition of S-2(s) of I.D. Act they are entitled to the benefits of S-25F, provided they have put in continuous service of 240 days during a period of 12 months prior to their termination. In this case the claimant had worked more than 240 days during 12 calendar months prior to his termination. This cannot be disputed by the bank. But the question is, was the bank bound to give a termination notice by reason of the award in I.D. 14/80 which was passed in 1988? As that time nobody was aware of the outcome in I.D. 14/80 much less that the collection agents would be held to be 'workmen' within the definition of S-2(s) of the Act. Therefore the bank had no occasion to know that a termination notice was necessary. The position became clear only after 1988. By that time the claimant was out of service. Therefore the termination, even if effected without a notice, cannot be said to be illegal or in violation of any provisions of I.D. Act. Ext. M4 is copy of termination letter. The service of Ext. M4 on the worker is disputed. However in Ext. M5 application of the worker to the bank, Ext. M4 termination letter is referred. But no notice as per S-25F of the Act was given to the worker. But in 1983 the bank was not bound to issue a notice as per S-25F. The decision came only later. In the light of the decision at the most the worker can claim compensation in lieu of notice. However the termination cannot be said to be illegal for want of notice. Besides, the bank has a case that the termination was effected as per clause 11 of the agreement between the parties. Ext. M8 is the model agreement of mini deposit collection agents. Clause 11 of the agreement says that :

'this agreement may be terminated by the principal at any time without notice to the agent'.

Invoking this clause in the agreement, the letter of termination was issued to the claimant.

9. It was argued by the learned counsel for the worker that the worker was terminated from service on allegations of financial irregularities. However no enquiry was conducted and no opportunity was given to him to offer his explanation or to defend. Therefore the termination order is stigmatic and affects him throughout.

10. Ext. M4 is termination letter. It does not mention anything about any misconduct or financial irregularities on the part of worker. On the other hand, clause 11 of Ext. M8 agreement was invoked to terminate his services. Being not a regular employee of the bank no service records of

the worker was maintained by the bank. Ext. M9 is a complaint sent by a customer of the bank alleging gain of illegal gratification by the Branch Manager and the worker had acted as an intermediary. A vigilance investigation was conducted by the vigilance department of the bank against the Branch Manager. Ext. M7 is the vigilance report. It was not an investigation against the worker. The worker himself has admitted while he was examined before this court (WW1) that an officer from vigilance department had asked him about the Branch Manager and the worker had disclosed whatever he knew about the Branch Manager. Thus the bank has not recorded anywhere that on account of the acts of financial irregularities the worker was terminated from service. Hence there is no stigma in the matter of termination of service. The bank is empowered to terminate the services at any time without enquiry as per clause 11 of Ext. M8. It is a termination simpliciter.

Therefore I find that the termination of service is legal and valid.

11. Point No. (3):

In the light of the reasons stated above I find that the claimant is not entitled for reinstatement or any other relief.

12. In the result, an award is passed finding that the action of the management in terminating the services of Shri V. Abraham is legal and justified. The claimant is not entitled to any relief. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 27th day of February, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman :

WW1 - Shri V. Abraham

Witness for the Management :

MW1 - Shri R. Prabhakar.

Exhibits for the Workman :

- W1 - Identity card issued to the workman by the management dated 3-4-1975.
- W2 - Letter dated 22-8-1989 issued by the Branch Manager, UBI to workman.
- W3 - Copy of petition dated 5-3-2001 filed by the workman before ALC(C).
- W4 - Failure of conciliation report of the ALC(C) dated 28-11-2001.

Exhibits for the Management :

- M1 - Photostat copy of Guidelines for Mini Deposit Scheme issued by Central Development Department, UBI dated 22-5-1974.
- M2 - Photostat copy of appointment letter dated 18-3-1975 issued to the workman.
- M3 - Photostat copy of Rules of Business in r/o. Mini Deposit Scheme.
- M4 - Photostat copy of termination letter issued to the workman dated 1-12-1983.
- M5 - Photostat copy of application dated 16-8-1989 submitted by the workman to the Manjummel Branch Manager, UBI.
- M5(a) - Application dated 16-8-1989 submitted by the workman to the Manjummel Branch Manager, UBI.
- M6 - Photostat copy of forwarding letter of the application submitted by the workman to the Regional Officer dated 30-8-1989.
- M7 - Photostat copy of report of the Chief Vigilance Officer, Bombay dated 21-8-1982.
- M8 - Photostat copy of model agreement executed by deposit collectors.
- M9 - Complaint sent by Shri A. G. Divakaran Nair dated 13-7-1982.

नई दिल्ली, 12 मार्च, 2007

का.आ. 936.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रीमाऊंट ट्रेनिंग स्कूल एण्ड डिपो के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. II, नई दिल्ली के पंचाट (संदर्भ संख्या 114/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2007 को प्राप्त हुआ था।

[सं. एल-14012/4/2005-आई आर (डी.यू.)]

एन. एस. बोरा, डेस्क अधिकारी

New Delhi, the 12th March, 2007

S.O. 936.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 114/2005) of the Central Government Industrial Tribunal-cum-Labour Court, No. II, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Remount Training School and Depot and their workmen, which was received by the Central Government on 12-03-2007.

[No. L-14012/4/2005-IR(DU)]

N. S. BORA, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, CENTRAL
GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT-II, NEW DELHI**

Shri R. N. Rai, Presiding Officer

ID No. 114/2005

PRESENT:

Shri Ahbabhasan—1st Party.

Shri D. S. Mehndru—2nd Party.

IN THE MATTER OF :

Shri Murslin,
S/o Shri Ekhlakh,
Ghoghrey Ki Dr. Sadak, Doodhli,
Saharanpur (U.P.).

Versus

The Colonel Commandant,
Remount Training School and Depot,
Saharanpur (UP).

AWARD

The Ministry of Labour by its letter No. L-14012/4/2005-IR (DU) Central Government dated 26-09-2005 has referred the following point for adjudication.

The point runs as hereunder :—

“Whether the person Shri Murslin, S/o. Shri Ekhlakh was in regular employment in Remount Training School & Depot, Saharanpur. If so, his termination/disengagement from services w.e.f. 18-09-2003 without any notice and compensation is legal and justified? If not, to what relief the concerned person is entitled?”

The workman applicant has filed statement of claim. In the statement of claim it has been stated that government has referred the following dispute between the parties for its adjudication. That the concerned person Shri Mursalin was a regular employee of Remount Training School and Depot, Saharanpur who was working with effect from July, 2002 on the post of Mistri—Aara Machine (Operator Saw Machine) on a monthly wage of Rs. 3000 along with Rs. 50 as diet allowance per day.

That the Remount Training School and Depot, Saharanpur is an Industry within the meaning of Section 2(j) of the ID Act, 1947 as the same is carrying on its commercial activities through Agricultural Farm and also running Animal Husbandry occupation.

That the Remount Training School and Depot, Saharanpur is the employer of the concerned person/claimant within the meaning of Section 2(g) of the ID Act, 1947.

That the concerned person while he was working in the Saw Machine, which is established by the employer Remount Training School and Depot, Saharanpur in its Agricultural Farm on 22-01-2003 at about 11.30 a.m. met with an accident during the course of employment and in that incident lost his left hand due to injuries sustained.

That the concerned person was admitted in the Hospital at Saharanpur by the employer for treatment but his left hand has not been recovered. Consequently the concerned person/claimant filed a case before the Commissioner under Workman Compensation Act, Saharanpur for compensation and the said case was decided in his favour.

That the employer has given the light duty job to the concerned person however on 18-09-2003 the employer terminated the services of the concerned person/claimant illegally, wrongly and unjustifiably and without any notice and compensation as required under the provisions of ID Act, 1947.

That the concerned person/claimant served a registered notice upon the employer requesting them to take him on duty and challenging the illegal termination however the employer had not responded.

That the concerned person/claimant has worked with the employer continuously for 240 days in a calendar year.

That the concerned person/claimant is still out of employment and has no means to earn livelihood. That the post in which the concerned person/claimant was working is regular in nature and the persons who are junior to the concerned person/claimant are still working with the employer.

That the action of the employer in terminating the services of the concerned person/claimant w.e.f. 18-09-2003 is illegal, improper, unjustified and amounts to unfair labour practice.

It is, therefore, prayed that the Hon'ble Court may be pleased to hold that the person Shri Murslin was in regular employment in Remount Training School and Depot, Saharanpur and his termination/disengagement with effect from 18-09-2003 is illegal, improper and unjustified without notice and compensation and grant the relief of his reinstatement with full back wages and continuity of service and other allied benefits and also grant the cost of the present proceedings.

The management has filed written statement. In the written statement it has been stated that the Remount Training School and Depot, Saharanpur is not an industry within the meaning of ID Act, 1947. Therefore, the present case is not maintainable.

That the alleged workman is not a workman as defined in the ID Act, 1947, therefore, he is not entitled to any relief

from this Hon'ble Court and the present case is liable to be dismissed.

That since the alleged management is not an industry under the provisions of ID Act, 1947, this Hon'ble Court has no jurisdiction to adjudicate the present case. However, without prejudice to the rights of the alleged management the parawise reply on merits is being given herein under :—

It is denied that the alleged workman was a regular employee of the alleged management and was working w.e.f. July, 2000 on the post of Mistri Ara Machine on the monthly wage of Rs. 3000 along with Rs. 50 as diet allowance per day. It is submitted that the said individual neither was not is a regular employee of the alleged management. It is further submitted that there is no post of Mistri Ara Machine (Operator Saw Machine) existing in the establishment of the alleged management. As per the records, the said individual was engaged as a daily rated workman on payment of daily wages between August, 2001 to September, 2003 for a period ranging from 9—28 days in a month as on required basis only.

It is denied that the alleged management is an industry within the meaning of ID Act and is carrying on commercial activities as alleged. It is submitted that the alleged management is not an industry within the meaning of Section 2(j) of the ID Act as it is not carrying out any commercial activity to satisfy wants of human needs. The agricultural and animal husbandry activities are totally oriented for meeting the defence requirement of the armed forces and not for any commercial gains.

It is denied that the alleged management is the employer of the above named claimant within the meaning of Section 2(g) of the ID Act, 1947.

It is denied that the above named individual while working on the Saw Machine on 22-01-2003 met with an accident during the course of his employment as alleged. It is further submitted that as per the relevant office records, shri Murslin was not engaged on the date of the alleged accident i.e. 22-01-2003 at about 11.30 a.m. and as such, a question of his meeting an accident during the course of his engagement does not arise.

As the alleged workman was neither an employee of the alleged management nor was engaged on the date of the accident, as such, there is no question of the management to admit the alleged workman in hospital. Rest para is a matter of record. However, it is submitted that an appeal against the order WCA 31/2004 has been filed before the Hon'ble High Court, Allahabad in Appeal No. FAFO 1426/2005 which is pending adjudication.

It is denied that the alleged management has given light duty job to the alleged workman. On 18-09-2003, his services were terminated illegally, wrongly, unjustifiably and without any notice and compensation as alleged. As

already submitted that the alleged workman was never a regular employee of the alleged management but was engaged as a daily rated worker on daily wages between August, 2001 to September, 2003 as on required basis only, hence, the question of terminating his services or issue of notice does not arise. Furthermore, the alleged workman on his own disengaged himself and did not render his services after 17-09-2003.

It is incorrect that there was illegal termination of the alleged workman as alleged. As already submitted the alleged workman was not a regular employee, hence, the question of his termination whether illegal or legal does not arise. Furthermore, the said individual did not render his services himself after 17-09-2003.

As per the relevant records the alleged workman was only required to serve for 85 days in the year 2001, 217 days in the year 2002 and 154 days in the year 2003, whereafter, he himself did not render his services for the reasons best known to him.

It is denied that the post in which the claimant was working is a regular one in nature and the persons who are junior to the claimant are still working with the employer as alleged. As already submitted, there is no post of Mistri Ara Machine in the establishment of the alleged management, therefore, the contention of the alleged workman are also false and misleading.

It is denied that the action of the employer in terminating the service/disengagement of the concerned person/claimant w.e.f. 18-09-2003 is illegal, improper, unjustified and amount to unfair labour practice. In fact there is no question of termination of the service of the alleged workman by the alleged management as the alleged workman had only worked as a daily wages between 2001 to 2003 on required basis and after 17-09-2003, he himself did not render his services for the reasons best known to him, for which, he cannot blame the alleged management.

In view of the facts and circumstances stated herein above, it is most respectfully prayed that the alleged workman is not entitled to any relief as prayed by him in the above case and the petition filed by him may kindly be dismissed with costs against the alleged workman.

Pass any other or further order as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

It transpires from perusal of the order sheet that several dates have been given to the workman for filing rejoinder and affidavit but he has not done so. At last on 05-01-2007 opportunity for filing rejoinder and affidavit was closed.

Heard the management.

From perusal of the pleadings of the parties the following issues arise for determination :—

1. Whether the tribunal has jurisdiction to decide this case ?
2. Whether the workman is entitled to reinstatement ?
3. To what amount of back wages the workman is entitled ?
4. To what other relief the workman is entitled ?

ISSUE NO. 1

This case of the workman is that the contention of the management that the appropriate forum is only Central Administrative Tribunal (CAT) and not Labour Court is not in accordance with law. As per the Amendment Act, 1986 the amendment is inserted in Section 28 of the Administrative Tribunal Act, 1985 and these amendments have been substituted w.e.f. 01-10-1985 the provision of the said amended Section 28 is reproduced as under :—

“28. Exclusion of jurisdiction of courts except the Supreme Court under Article 136 of the Constitution and from the date from which any jurisdiction, power and authority becomes exercisable under this Act by a Tribunal in relation to recruitment and matters concerning recruitment to any service or post or service matters concerning members of any service or persons appointed to any service or post, no court except—

- (a) the Supreme Court, or
- (b) any Industrial Tribunal, Labour Court or other authority constituted under the Industrial Disputes Act, 1947 or any other corresponding law for the time being in force shall have or be entitled to exercise any jurisdiction, powers or authority in relation to such recruitment or matters concerning such recruitment or such service matters.”

In view of the above the stand of the management that the workmen can only approach the Central Administrative Tribunal is not tenable. As per the provision of CAT the workmen may approach either to CAT or Industrial Tribunal or Labour Court.

Section 14 runs as under :—

14. Jurisdiction, powers and authority of the Central Administrative Tribunal—

- (1) Save as otherwise expressly provided in this Act, the Central Administrative Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority

exercisable immediately before that day by all courts (except the Supreme Court) in relation to -

- (a) recruitment and matters concerning recruitment, to any All India Service or to any civil service of the Union or a civil post under the Union or to a post connected with defence or in the defence services, being, in either case, a post filled by a civilian;
- (b) all service matters concerning—
 - (i) a member of any All India Service; or
 - (ii) a person [not being a member of an All India Service or a person referred to in clause (c)] appointed to any civil service of the Union or any civil post under the Union; or
 - (iii) a civilian [not being a member of an All India Service or a person referred to in clause (c)] appointed to any defence services or a post connected with defence.

Jurisdiction is always conferred by a statute. Section 14 of the CAT 1985 confers jurisdiction on Central Administrative Tribunal. The CAT has jurisdiction in regard to service matters of All India Service or any Civil Services of the Union or a Civil Post under the Union or to a post connected with defence or any defence service. So the jurisdiction of the CAT is confined to the service matters of All India Services or any Civil Services of the Union or any Civil Post under the Union or services rendered in defence. The CAT has absolutely no jurisdiction to entertain the cases of industrial workers. The workmen are undoubtedly industrial worker.

It was submitted from the side of the workman that the judgment of the Constitution Bench (1978) 3 SCR 207 still holds the field so far as definition of 2J of ID is concerned. The Hon'ble Apex Court in that judgment has laid down triple tests and in the light of these tests it is to be ascertained whether the respondent/management is an Industry or not.

It has been held in Bangalore Water Supply that in an Industry there should be systematic activity and it should be organized by cooperation between the employer and the employees and it should be for production and/or distribution of goods and service calculated to satisfy human wants and wishes. It has been held that absence of profit motive or gainful objective is irrelevant. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer and employee relations. If an organization is not carrying on trade and business, it is not beyond the purview of Industrial activities.

(1978) 3 SCR—Bangalore Water Supply case is a Constitution Bench judgment. It is still holding the field in the matter of adjudication of this point.

It has been held in this case that Section 2(j) of the Industrial Disputes Act, 1947 which defines industry contains words of wide import as wide as the legislature could have possibly made them. The problem of what limitations could and should be reasonably read in interpreting the wide words used in Section 2(j) is far too policy oriented to be satisfactorily settled by judicial decisions. The Parliament must step in and legislate in a manner which will leave no doubt as to its intention. That alone can afford a satisfactory solution to the question which has agitated and perplexed the judiciary at all levels.

In this judgment the Hon'ble Apex Court has laid down triple test to ascertain whether a particular unit or undertaking is an industry or not. It has been held in this case that where (i) systematic activity, (ii) organized by cooperation between employer and employee (the direct and substantial element is chimerical) (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes (not spiritual or religious, but inclusive of material things or services geared to celestial bliss e.g. making on a large scale prasad or food).

(b) Absence of profit motive or gainful objective is irrelevant be the venture in the public, joint, private or other sector.

(c) The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.

(d) If the organization is a trade or business it does not cease to be one because of philanthropy animating the undertaking.

Although Section 2(j) uses words of the widest amplitude in its two limbs, their meaning cannot be magnified to over each itself.

The Hon'ble Apex Court has laid down further the dominant nature test. It has been held as follows :—

“Where a complex of activities some of which qualify for exemption, others not involves employees on the total undertaking some of whom are not workmen as in the University of Delhi case or some departments are not productive of goods and services if isolated, even then the predominant nature of the services and the integrated nature of the departments as explained in the Corporation of Nagpur will be the true test. The whole undertaking will be industry although those who are not workmen by definition may not benefit by the status.

Notwithstanding the previous clauses, sovereign functions, strictly understood (alone), qualify for exemption

not the welfare activities of economic adventures undertaken by government or statutory bodies.

Even in departments discharging sovereign functions if there are units which are industries and they are substantially severable then they can be considered to come within Section 2(j).

The respondent's unit is not engaged in a sovereign function. It has been held in the above case that even arsenal or artillery department is an industry. Industry is decided on the nature of work it is performing.

From perusal of the records it becomes quite evident that the respondent/management is engaged in systematic human activities. The respondents are not discharging duties for gains but gainful objective is irrelevant in deciding whether an undertaking is an industry or not. In case activities of the respondents are considered in the crucible of the triple tests, respondent is obviously and definitely an industry.

It was submitted from the side of the workman that the Remount Training School and Depot, Saharanpur is an Industry within the meaning of Section 2(j) of the ID Act, 1947 as the same is carrying on its commercial activities through Agricultural Farm and also running Animal Husbandry occupation.

It was further submitted that the Remount Training School and Depot, Saharanpur is the employer of the concerned person/claimant within the meaning of Section 2 (g) of the ID Act, 1947.

It was submitted from the side of the management/respondent that the alleged management is not an industry within the meaning of ID Act. It is not carrying commercial activities as alleged. It is submitted that the alleged management is not an industry within the meaning of Section 2 (j) of the ID Act as it is not carrying out any commercial activity to satisfy wants of human needs. The agricultural and animal husbandry activities are totally oriented for meeting the defence requirement of the armed forces and not for any commercial gains.

From the foregoing it becomes quite obvious that the management is engaged in commercial activities. It is running Paramount Training School and manufacturing tools, furniture for supply to the defence. The management is not discharging sovereign functions directly. It is true that the management is working for meeting the needs of the defence but in view of Bangalore Water Supply's case the management is an Industry because it is engaged in systematic work of manufacture of furniture etc. for meeting the needs of the defence. It does not discharge any sovereign functions. It has been held in Bangalore Water Supply that the Arsenal department of Military is an Industry. Thus the management is an Industry. It is run under the authority of the Central Government, so the

Central Government is the appropriate government in view of Steel Authority of India's case. This Tribunal has jurisdiction to decide the case of the industrial workers. This issue is decided accordingly.

ISSUE NO. 2

It was submitted from the side of the management that the workman does not deserve reinstatement in view of Uma Devi's case.

It was submitted from the side of the workman that he was retrenched in non-compliance of the provisions of Section 25 F of the ID Act. No retrenchment compensation has been paid to him. He was removed as he has become handicapped. In such circumstances the management should have paid him retrenchment compensation. His case is covered under ESIC also. He is entitled to reinstatement.

My attention was drawn by the Ld. Counsel of the workman to 2000 LLR 523 State of UP and Rajender Singh. The Hon'ble Apex Court ordered for reinstatement with full back wages as the services of the daily wager cleaner who worked for 4 years was dispensed with without following the procedure for retrenchment. In the instant case also no retrenchment compensation has been paid. This case law squarely covers the instant case.

It has been held in 1978 Lab IC 1668 that in case service of a workman is terminated illegally the normal rule is to reinstate him with full back wages.

My attention was further drawn to AIR 2002 SC 1313. The Hon'ble Supreme Court has held that daily wager even if serving for a short period should be reinstated.

It was submitted from the side of the workman that in the instant case Section 25 F, G of the ID Act are attracted. In Section 25 of the ID Act it has been provided that if a workman has performed 240 days work and if the work is of continuous and regular nature he should be given pay in lieu of notice and retrenchment compensation.

It has been held by the Hon'ble Apex Court that there is no cessation of service in case provisions of Section 25 F are not complied. In the instant case no compensation has been paid to the workman who has continuously worked for 3 years.

In the Constitution Bench Judgment in Uma Devi's case these matters were not at issue. In case a workman has worked for years and the work is of continuous and regular nature he should be paid retrenchment compensation. In case retrenchment compensation is not paid Section 25 F of the ID Act is attracted. There is no cessation of his services. He is deemed continued in service in the eye of law. In case there is breach of Section 25 F the service is continued and reinstatement follows as a natural consequence.

ID Act, 1947 has been enacted to safeguard the interest of the workmen belonging to poor segment of society. It appears that legislature wanted that such workmen should not be harassed unnecessarily so Section 25 F, U, T and Clause 10 of Vth Schedule have been enacted. The objects and reasons of ID Act, 1947 show that the respondent management should not be permitted to indulge in any unfair labour practice. The workman should not be engaged for years and then he should be removed all of a sudden. There is provision of retrenchment compensation for his removal. Retrenchment compensation is for compensating him otherwise so that he can survive long interregnum of unemployment. In the instant case no retrenchment compensation has been paid.

It was submitted from the side of the management that the Hon'ble Apex Court in 2006 (4) Scale has put down a complete ban on regularization and reinstatement. The Hon'ble Apex Court has held that employment can only be made on the basis of procedure established in that behalf envisaged by the Constitution. Equality of opportunity is the hallmark and the Constitution enshrines affirmative action to ensure that unequals are not treated equals. So public employment should be in terms of constitutional scheme.

It was further submitted that the Constitution Bench Judgment has afforded a right according to which the government is not precluded from making temporary appointments or engaging workers on daily wages.

The Hon'ble Apex Court has not declared the provision of ID Act unconstitutional. The Government has got no licence to make appointment of daily wagers and to continue them for life time. Fixed term tenure appointments and temporary appointments cannot be the rule of public employment. At the time of making temporary appointments Articles 14, 16, 21, 23, 226 & 309 are infringed. There is no constitutional mandate that the government is at liberty to go on giving fixed term appointments for the entire tenure of service of an employee.

No such Article of the Constitution has been pointed out under which the Government or Public Sector units can continue incessantly to give temporary and fixed term appointments again and again. Since fixed term appointments and temporary appointments are not governed by any constitutional scheme, such discrimination will amount to vicious discretion. The Government of Public Sector unit will go on resorting to the method pick and choose policy and give temporary and ad hoc appointments to their favorites and thus the principles of equality enshrined in the constitution will be given a go bye. Such is not the intent of the Hon'ble Apex Court. However, in this judgment the provision of the ID Act governing the services of the workman have not been declared unconstitutional. Reinstatement is the remedy provided in the ID Act for breach of several provisions

enumerated therein or for breach of service rules provided in various labour welfare legislations.

Section 11 A of the ID Act stipulates that in case the Tribunal is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstance of the case may require. According to this benign provision this Tribunal has the authority to set aside the order of discharge or dismissal and reinstate the workman on the terms and conditions as it thinks fit.

The Hon'ble Apex Court in 2006 (4) Scale has not annulled section 11 A of the ID Act and the legislature has authorized this Tribunal to set aside dismissal or discharge on its consideration and direct reinstatement. The judgment cited by the management is not applicable in the facts and circumstances of the case.

A three Judges bench of the Hon'ble Apex Court has held in 1993—II—LLJ that termination of services affects the livelihood of not only of the employee but also of the dependents. So in case of illegal termination of service the workman should be reinstated.

Reinstatement should not be misconceived as regularization. By the order of reinstatement the status quo ante of the workman is restored. He is given back wages in order to compensate him for his illegal dis-engagement. This is a special remedy provided in ID Act and it has not been annulled and set aside by any judgment of the Hon'ble Apex Court. The provisions of the ID Act are still constitutional and they are to be given effect too.

In such cases the workman is reinstated with back wages and the respondents have every right, after payment of back wages and reinstatement, to retrench him validly following the principles of first come last go so that section 25, G & H of the ID Act are not violated.

The management has filed written submission. It becomes quite obvious from perusal of the written statement that the management has specifically admitted that as per the relevant records the alleged workman was only required to serve for 85 days in the year 2001, 217 days in the year 2002 and 154 days in the year 2003. As per the admission of the management the workman has worked continuously for 3 years. In the year 2002 he has at least performed more than 240 days work. It is categorical admission of the management that the workman worked in between August, 2001 to September, 2003 as on required basis only.

The case of the management is that the workman disengaged himself. He abandoned the services of the management.

The case of the workman is that he was working on Saw Machine which is established by the employer Remount Training School and Depot, Saharanpur in its agricultural farm on 22-01-2003. At about 11.30 a.m. he met with an accident during the course of employment and in that incident he lost his left hand due to injury sustained. He was admitted in the hospital at Saharanpur by the employer for treatment but he has become handicapped by his left hand. He filed his case before the Commissioner under Workmen's Compensation Act, Saharanpur for compensation and the said case was decided in his favour.

The case of the management is that the management has gone in appeal against the order of the Commissioner. The management has admitted that the workman was in employment from August, 2001 to September, 2003. The accident occurred on 22-01-2003, so the workman suffered injuries during his period of employment. He was admitted in hospital on the same day even by the employer.

The case of the management is that he left the job voluntarily. He has become handicapped due to the accident during his employment, so there can be no question of leaving the job voluntarily. The management should have taken sympathetic attitude regarding his re-employment. The job is of perennial and continuous nature. There is still Saw Machine operating under the control of the management. Some other persons would have been taken at his place. So the management is not justified in terminating the services of the workman without payment of retrenchment compensation and one month's pay in lieu of notice. The attitude of the management is cruel and callous. The workman is entitled to be reinstated in view of the admitted case of the management though he has not filed rejoinder and affidavit in support of his claim statement. Sundays and Holidays are to be counted while counting working days in view of the judgment of the Hon'ble Supreme Court. In case Sundays and Holidays are accounted the workman has performed duties for more than 240 days.

In the instant case the workman was engaged by the management in July, 2001 and his services were terminated on 18-09-2003, so he has performed 240 days continuous work and he was entitled to get reinstatement compensation and one month's pay in lieu of notice. The management has not done so. There is no compliance of Section 25 F of the ID Act. There is no cessation of service of the workman for non-compliance of Section 25 F of the ID Act. The workman deserves reinstatement. This issue is decided accordingly.

ISSUE NO. 3

It was submitted by the management that payment of full back wages is not the natural consequence of the order of discharge or dismissal being set aside.

It has been held in (2003) 6 SCC 141 that is incumbent upon the labour court to decide the quantum of back wages.

It has been further held in (2001) 2 SCC that payment of back wages having discretionary element involved it is to be dealt with the facts and circumstances of the case. No definite formula can be evolved.

It has been further held in this case that payment of back wages in its entirety is the statutory sanction. In (2003) 4 SCC 27 the Hon'ble Apex Court held that in view of delay in raising the dispute and initiating the proceedings back wages need not be allowed. In the instant case there is no delay at least on the part of the workman in raising the dispute.

In 2004 VIII AD SC 444 the Hon'ble Apex Court upheld the order of reinstatement with 25% back wages.

In 1978 lab IC 1968—three Judges Bench of the Hon'ble Apex Court held that payment of full back wages is the normal rule. In case services have been illegally terminated either by dismissal or discharge or retrenchment, in such circumstance the workman is entitled to full back wages except to the extent he was gainfully employed during the enforced idleness. In the instant case the workman was always ready to work but he was not permitted on account of invalid act of the employer.

In AIR 2002 SC 1313 the Hon'ble Apex Court reduced the back wages to 25%.

In 2005 IV AD SC 39—three Judges Bench of the Hon'ble Apex Court held that reinstatement with full back wages is justified. In this case the workman has performed more than 240 days work and he has been retrenched without payment of compensation and pay in lieu of notice.

It was submitted from the side of the management that reinstatement is not the only remedy. In such cases the workman may be given compensation. Section 11 A of the ID Act, 1947 provides that in case dismissal or discharge is found illegal reinstatement should be ordered. It has been held in a catena of cases by the Hon'ble Apex Court that reinstatement with full back wages is the normal rule. The statute provides for reinstatement. In certain exceptional cases where the undertaking has been closed down or it has become sick there may be order for payment of compensation.

The workman has rendered services for 3 years. He has performed 240 days work at least in one year. He became handicapped while he was on duty. In view of tenure of his service he is entitled to get 50% back wages only. This issue is decided accordingly.

ISSUE NO. 4

From the issues decided above it becomes quite apparent that the workman deserves reinstatement with 50% back wages. This issue is decided accordingly.

The reference is replied thus :—

Shri Murslin. S/o Shri Ikhlakh was not in regular employment in Remount Training School and Depot, Saharanpur. However the termination/disengagement from services w.e.f. 18-09-2003 is neither legal nor justified. The management is directed to reinstate the workman w.e.f. 18-09-2003 within two months from the date of publication of the award with 50% back wages.

Award is given accordingly.

Let copies of the Award be sent to the Ministry of Labour, Government of India for necessary action at their end.

Date : 28-02-2007

R. N. RAI, Presiding Officer

नई दिल्ली, 12 मार्च, 2007

का.आ. 937.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केनरा बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अर्नाकुलम के पंचाट (संदर्भ संख्या 335/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-2007 को प्राप्त हुआ था।

[सं. एल-12025/1/2007-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 12th March, 2007

S.O. 937.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 335/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 12-3-2007.

[No. L-12025/1/2007-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P.L. Norbert, B.A., LL.B., Presiding Officer

I.D. 335/2006

Sindhu K.N.,

Kunnumpurath House,

Eroor West,

Thrippunithura

... Workman

Dy. General Manager,

Staff Section (W), Canara Bank,

Circle Office,

Thiruvananthapuram.

... Management

AWARD

This is a complaint filed under Section 33-A of Industrial Disputes Act, 1947.

2. The complainant was part-time sweeper in Canara Bank. She has been working since 1992, initially as part-time sweeper, thereafter from 1-7-2000 in permanent vacancy as part-time sweeper. The complainant had demanded regularization in service. However the management retrenched the complainant from service w.e.f. 4-11-2006. Hence this complaint for direction to reinstate the complainant in service with back wages and for declaring the retrenchment as illegal. The matter came up in Adalat for settlement. The parties came to an agreement and finally settled the matter agreeing to allow the complainant to continue to work in leave vacancy. The settlement is signed by both parties.

3. In the result, an award is passed in terms of the settlement. The settlement will form part of the award. No cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 23rd day of February, 2007.

P.L. NORBERT, Presiding Officer

Appendix : Nil.

**IN THE CGIT-CUM-LABOUR COURT,
ERNAKULAM**

I.D. No. 335/2006

In the Lok Adalat held on 23-2-2007 parties came to a settlement to the effect that the bank has no objection for the worker to continue to work on leave vacancy on daily wage basis as is being done now and bank will not make any change of that position until I.D. 35/2006 is finally decided. I.D. is accordingly disposed of.

Dated this the 23rd day of February, 2007.

.....
Petitioner/Workman	Respondent/Management
.....
Counsel for Petitioner	Counsel for Respondent

Mediator

नई दिल्ली, 13 मार्च, 2007

का.आ. 938.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड बैंक ऑफ इंडिया के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 2/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-2007 को प्राप्त हुआ था।

[सं. एल-12012/320/95-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2007

S.O. 938.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/1997) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of United Bank of India and their workman, which was received by the Central Government on 13-3-2007.

[No. L-12012/320/95-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
ASANSOL**

PRESENT:

Shri Md. Sarfaraz Khan, Presiding Officer

Reference No. 2 of 1997

PARTIES:

Regional Manager,
United Bank of India,
Regional Office,
City Centre, Durgapur,
Burdwan.

V/s.

Secretary,
United Bank of India Employees Union,
City Centre,
Durgapur, Burdwan.

REPRESENTATIVES:

For the management : Sri P.M. Chatterjee,
Advocate

For the Union (Workman) : Sri P.K. Das, Advocate.

Industry : Bank State : West Bengal

Dated the 6-2-2007.

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India

through the Ministry of Labour vide its letter No. L-12012/320/95-IR (B-2) dated 30-12-1996 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

"Whether the action of the Management of United Bank of India, 16, Old Court House Street, Calcutta in transferring Sri Ratan Lal Gupta, Typist-cum-Clerk, Burdwan Regional Office is justified? If not to what relief the employee is entitled to?"

After having received the order No. L-12012/320/95-IR (B-2) dated 30-12-96 of the said reference from the Govt. of India Ministry of Labour, New Delhi for adjudication of the dispute a reference case No. 2 of 1997 was registered on 13-1-97 and accordingly an order to that effect was passed notice to the respective parties through the registered post directing them to appear in the court on the date fixed and file their written statement along with the relevant documents and a list of witnesses in support of claims. In pursuance of the said order notices by the registering post were issued to the parties concerned. Sri P.K. Das, Advocate and Sri P.M. Chatterjee, Advocate appeared in the court to represent the Union and the management respectively along with the letter of authority and filed their written statements in support of their respective claims.

From perusal of the record it transpires that the case was fixed for hearing on merit of the case previously parties had prayed for time to get ready which were allowed several times. It is further clear from the record that on the date fixed for hearing i.e. 6-4-06 the union left taking step on its behalf and remained absent continuously up to 6-2-07. It appears that the Union has got no interest to pursue the disputes or reference. The case is pending since long time for the disposal. It is not advisable to keep the record pending for unlimited time in anticipation of the appearance of the Union to take suitable step on its behalf. Now it is not proper to keep the records pending any more as no useful purpose is to be served. As such it is hereby

ORDERED

that let a "No dispute Award" be and the same is passed. Send the copies of the order to the Govt. of India, Ministry of Labour for information and needful. The reference is accordingly disposed of.

MD. SARFARAZ KHAN, Presiding Officer

नई दिल्ली, 13 मार्च, 2007

का.आ. 939.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम

न्यायालय अर्नाकुलम के पंचाट (संदर्भ संख्या 265/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 13-3-2007 को प्राप्त हुआ था।

[सं. एल-12012/160/94-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2007

S.O. 939.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 265/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workman, which was received by the Central Government on 13-3-2007.

[No. L-12012/160/94-IR(B-II)]

RAJINDER KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT:

Shri P.L. Norbert, B.A., LL.B., Presiding Officer

(Wednesday the 28th day of February, 2007/9th Phalgun, 1928)

I.D. 265/2006

(I.D. 18/94 of Industrial Tribunal, Kollam)

Smt. A. Usha,

Koothattavilla Thottarikathu Veedu,

Nalanchira P.O.

Thiruvananthapuram-695015.

Adv. Shri H.B. Shenoy

... Workman

The Regional Manager,

Indian Bank,

Regional Office,

Thiruvananthapuram-695001.

Adv. Shri S. Easwaran.

... Management

AWARD

This is a reference made by Central Government under Section 10 (1) (d) of Industrial Disputes Act, 1947 for adjudication. The reference is:

"Whether the action of the management of Indian Bank, Thiruvananthapuram in terminating the services of Smt. A. Usha, Part-time Sweeper w.e.f. 3-3-94 and not considering her for empanelment for permanent absorption in terms of the approach paper circulated by the Ministry of Finance in 1990 is justified? If not, what relief is the said workman entitled to?"

2. The reference was made to Industrial Tribunal, Kollam. That court had passed an award on 18-1-1997 finding that the worker had not worked for 240 days in 12 calendar months prior to her termination and that she was not entitled to get any relief. This award was challenged before Hon'ble High Court of Kerala in O.P. 11563/97. By judgement dated 5-10-2006 the award of Industrial Tribunal, Kollam in I.D. 18/94 was set aside and the reference was remanded for reconsideration in the light of the decision in workmen of American Express V. Management of American Express 1985 II-L.L.J. 539. Since the remand was to this court the records were obtained from Industrial Tribunal, Kollam. No further evidence was adduced after the remand.

3. The facts of the case in brief are as follows :

According to the claimant, Smt. Usha, she was employed on temporary basis for cleaning purposes of Nalanchira Branch of Indian Bank as a part-time employee in May, 1983. She continued to work till 2-3-1994. The claimant had applied for appointment as a permanent employee in the branch in the vacancy that had arisen due to retirement of a permanent employee on 30-6-1993. The worker had put in more than 270 days' continuous work and she was eligible for absorption. Instead of considering her request for absorption, the management terminated service of the claimant on 2-3-1994. Hence the claimant approached ALC(C), Thiruvananthapuram to intervene in the dispute. The worker is the sole bread-winner of the family consisting of her ailing husband and school-going children. The management illegally terminated the service of the worker. As per the provisions of I.D. Act the worker is entitled to get a termination notice or compensation in lieu of notice. Since the management has violated the provision u/s-25F of I.D. Act the claimant is entitled to be reinstated with back wages, continuity of service and other consequential benefits.

4. According to the management the claimant was engaged as casual worker for sweeping work. Her engagement was not regular. She did not work continuously from May, 1983 to 29-3-1994. She was engaged only on leave vacancies of a permanent part-time sweeper. She was paid on daily-wage basis. The permanent vacancy that arose on 30-6-1993 due to the retirement of a permanent part-time sweeper had to be filled through Employment Exchange. The claimant was engaged for 122 days as casual labourer during the period from 1983 to 1992, for 25 days from January 1993 to June 1993 and 197 days from July 1993 to March, 1994. It is denied that the claimant had worked 270 days continuously. No letter of appointment or letter of termination was issued to the worker. She is not a 'workman' coming within the definition of S-2 (s) of I.D. Act. The provisions of Bi-partite Settlements are applicable only to regular employees of the bank and not to casual labourers. There is no violation of any of the provisions of I.D. Act. The claimant is not entitled to any relief.

5. The only point that requires consideration is :

"Whether the claimant had put in 240 days' continuous service during 12 calendar months prior to her termination?"

The evidence consists of the oral testimony of WW1 and documentary evidence of Exts. W1 to 10 on the side of worker and MW1 and Exts. M2 series on the side of management.

6. The Point :

To be a 'workman' within the definition of S-2(s) of I.D. Act and to claim the benefits of S-25-F read with S-25-B of I.D. Act, certain conditions are to be satisfied. S-2(s) defines 'workman' as follows :

S-2 (s). "workman" mean any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person

S-25F. "No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until :

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;"

S-25B. Definition of continuous service.

"For the purpose of this Chapter :

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of

one year or six months, he shall be deemed to be in continuous service under an employer :

- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than :

- (i)

- (ii) Two hundred and forty days, in any other case;"

7. Coming to the case on hand, Smt. A. Usha was engaged as a casual labourer for sweeping work from May, 1983 to 30-6-1993, i.e. until the retirement of permanent sweeper, in leave vacancy. Thereafter she continued to work in the permanent vacancy till 2-3-1994 when another permanent sweeper was appointed through Employment Exchange. According to the worker she had worked continuously for more than 240 days prior to her termination. But according to the management she had worked continuously only for 197 days prior to her termination. Ext. W6 is a statement submitted to ALC(C) by the worker. There it is mentioned that from July 1993 to March 1994 she had worked continuously for 245 days. The number of days worked every month is mentioned in Ext. W6. It shows that the worker had counted Sundays and Holidays also. Ext W5 is a statement of Regional manager of the Bank submitted to ALC(C). There it is stated that from 1-7-1993 to 2-3-1994 the worker had continuously worked for 197 days excluding Sundays and Holidays. Ext. W8 is another statement submitted to ALC(C) by the Zonal Manager of the Bank. There the number of days the worker had worked is given in detail. As per that statement, from July 1993 to March, 1994 she had worked 197 days. for the period of 12 calendar month prior to her termination, i.e. from April 1993 to March 1994 she had worked 218 days. Admittedly the said 218 days does not include Sundays and Holidays. It is the specific contention of the management that the worker was a casual labourer paid on daily-wage basis whenever she had worked. There was no work on Sundays and Holidays and no payment was also made. But, according to the learned counsel for the worker, a person who works six days in a week, is entitled to a rest day with payment. If so, according to him, Sunday is to be treated as a working for the purpose of S-25-F read with 25-B of I.D. Act.

8. The learned counsel draws support for his contention in the decision of Workmen of American Express V. management of American Express 1985 II-L.L.J. 539. In that case, a Typist Clerk was working in a temporary capacity with short breaks from 4-11-1974 to 31-10-1975. The worker had contended in that case that he had actually worked

275 days during a period of 12 month preceding his termination excluding short break in service. According to the employer he had worked only for 220 days. While the worker had included Sundays and other Holidays as days on which he had actually worked under the employer, the management had excluded Sunday and holidays while calculating the total number of days the employee had worked. The Hon'ble Supreme Court in paragraph 5 of the judgement has observed thus :

"The expression which we are required to construe is 'actually worked under the employer'. This expression according to us cannot mean those days only when the workman worked with a hammer, sickle or pen, but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages either under express or implied contract of service or by compulsion of statute, standing orders, etc. The learned counsel for the management would urge that only those days which are mentioned in the Explanation to S-25 B (2) should be taken into account for the purpose of calculating the number of days on which the workmen had actually worked though he had not so worked and no other days. We do not think that we are entitled to so constrain the construction of the expression 'actually worked under the employer'. The explanation is only clarificatory as all explanations are, and cannot be used to limit the expanse of the main provision. If the expression 'actually worked under the employer' is capable of comprehending the days during which the workman was in employment and was paid wages—and we see no impediment to so construe the expression—there is no reason why the expression should be limited by the explanation. To give it any other meaning then what we have done would bring the object of S-25F very close to frustration. It is not necessary to give examples of how 25 F may be frustrated as they are too obvious to be stated."

In the next decision relied on by the learned counsel for the worker and reported in H.D. Singh Vs. R.B.I & Ors. 1986 I-L.L.J. 127 appears to have no application on facts. The relevant discussion is contained in paragraph 11 of the judgement. The worker in that case was a Tikka mazdoor. He was claiming continuous service of 240 days (including Sundays and holidays) prior to its termination. The management was asked to produce records at the instance of the worker, but the management did not do so. In the circumstances that the bank had not produced the records summoned, that there was no contra-evidence and in the light of the allegation of the worker that the bank had tampered with the records, the Hon'ble Supreme Court drew an inference that the case of the worker that he had worked for more than 240 days, was true. However there is no discussion on the issue as to how and when Sundays and

holidays are to be counted for the purpose of Section 25-F of I.D. Act. Hence the decision is not helpful in the instant case.

9. In *Himanshu Kumar Vidyarthi Vs. State of Bihar* AIR 1997 S.C. 3657 relied on by the management it was held that temporary employees working on daily wage basis and disengaged by the employer, cannot be construed as retrenchment under I.D. Act. The concept of retrenchment cannot be stretched to such an extent as to cover temporary employees. However, in this case the Hon'ble Supreme Court had not considered the ambit and scope of Section 25-F and 25-B of I.D. Act. Besides it was a case of temporary employees. Hence the decision cannot help the management. However in *Himalaya Drug Company Vs. Taj Ahmad* 2005 III-L.L.J. 504 (Kant) relied on by the learned counsel for the management, it is observed that the words in Section 25-B (2)(ii) "actually worked under employer" would include those days which the workman has been paid wages either under contract or service or under any statute or notification, etc. It is further held that : "in other words days for which no wages have been paid to the workman cannot be counted for the purpose of determining whether workman had worked continuously for a period of 240 days". Referring to 'Workmen of American Express case' it is observed in Para-10 as follows :

"The aforesaid judgement of the Apex Court makes it clear that the words "actually worked under employer" would include all those days which the workman has been paid wages, either under contract of service or under any statute or notification etc. In other words, days for which no wages have been paid to the workman cannot be counted for the purpose of determining whether workman worked continuously for a period of 240 days. There cannot be any dispute in this matter, that the workman has worked for only 197 days and was paid wages only on those days. The same is very much clear from the register Exhibit M-6. Further, from the material on record it is clear that the workman was not paid the wages for Sundays and other gazetted holidays either under contract of employment or under any statute or notification. No notification or standing order is brought to the notice of this Court to show that the casual or daily wage workers are entitled to be paid even on Sundays or general holidays during which they have not worked."

In the next decision relied on by the learned counsel for the management, *Sunder Dass Vs. Punjab State Electricity Board* 2005 II-L.L.J. 128 (P & H), the relevant decision is contained in paragraphs 7 and 8 of the judgement, wherein *Workmen of American Express* case is discussed. It is held that in the reported case there was no obligation either under express or implied contract of service or by compulsion of statute, standing orders etc. to pay wages on Sundays and other holidays when the workman

had not actually worked and hence those holidays and Sundays cannot be counted for the purpose of Section 25-F of the Act.

What emerges from the aforesaid decision is that if there is statutory contractual compulsion to pay wages on Sundays and holidays, those days are to be counted for the purpose of Section 25B (2) read with Section 25F of the Act.

10. The worker in the instant case was a casual labourer admittedly. No bank regulations or circulars or standing orders governing the case of casual labourers are brought to the notice of this court. But, according to the learned counsel for the worker, by virtue of statute the management is bound to provide a paid holiday in a week even to a casual labourer. The learned counsel refers Explanation to Section 25 of the Negotiable Instruments Act, 1881 by virtue of which holidays are declared. It reads :

"The expression "Public Holiday" includes Sundays and any other day declared by the Central Government, by notification in the Official Gazette, to be a public holiday."

According to learned counsel, certain clauses of the 1st Bipartite Settlement also mention that Sunday is a rest day.

Clause 14.2 of 1st Bipartite Settlement dated 19-10-1966 refer to actual hours of work of full-time workmen. The hours of work are fixed for days from Monday to Saturday only and not Sunday.

Clause 14.12 refers to part-time workmen. However that clause says that provisions regarding working hours and overtime contained in Chapter IV of 1st Bipartite Settlement (including clause 14.2) are not applicable to part-time workmen, bank workmen engaged in domestic service, gardeners and sweepers.

Clause 14.9 says that any day declared as holiday under the Negotiable Instruments Act for half-yearly and yearly closing of accounts shall be deemed to be normal working days for all workmen employed in all banks.

These clauses of the Bipartite Settlement are referred by the learned counsel to show that Sunday is not a working day and is treated as a holiday. However, these clauses in the Bipartite Settlement will not come to the help of the worker to show that Sundays and Holidays are to be counted for the purpose of Section 25-F of I.D. Act because the said clauses of the Bipartite Settlement are applicable only to regular employees of the bank, whether part-time or full-time, and not to casual workers or temporary workers.

11. It is argued by the learned counsel for the worker that continuous service mentioned in Section 25-B of I.D. Act includes also service which is interrupted on account of cessation of work, which is not due to any fault of the workman. According to the learned counsel Sunday is not a working day for the bank. It is so decided by the bank

and worker has no role in the decision. Again it is for the employer to decide whether an employee should be asked to work on a Sunday. Therefore if work is not assigned to any employee on a Sunday or a holiday and consequently there is no work on those days it is not due to any fault of the employee. Hence according to the learned counsel Sundays are to be counted for the purpose of Section 25B of the Act. It is true that Section 25B while defining continuous service, the interrupted service on account of sickness or authorized leave or an accident or a strike or a lock out or a cessation of work not due to the fault of the worker are treated as days of continuous service. But the cessation of work referred by the lawyer of the worker does not partake the meaning meant by him. It is relevant to refer to page 1906 of "The Law of Industrial Disputes" by O.P. Malhotra, 6th edition, Vol. II.

"The expression 'cessation of work' has to be interpreted ejusdem generis, i.e., when a particular expression precedes a general expression, the latter should be interpreted in the light of the former. On the construction of this expression in the light of this rule, this expression has to be interpreted in the light of illegal strike or lockout and matters of similar nature which are not difficult to be foreseen like power failure, imposition of curfew, acceleration of bandhs, breakdown of law and order and related matters, merely because a casual worker was willing to work, there is no obligation on the part of the employer to provide him work even if there is no work".

12. According to the learned counsel for the worker there is statutory compulsion to pay for Sundays and Holidays. The learned counsel pointed out '(The) Weekly Holidays Act, 1942'. S-4 of that Act says that every person employed otherwise than in a confidential capacity or in a position of management in any shop or restaurant or theatre shall be allowed for each week a holiday of one whole day. 'Shop' is defined in that Act in Section-2(d) which is wide enough to rope in many establishments. However during the course of the argument the learned counsel fairly conceded that the Weekly Holidays Act is repealed by Kerala Act, 34 of 1960. Therefore, as per The Weekly Holidays Act, Sunday cannot be treated as a holiday.

13. Then the learned counsel referring to Section 13(1)(b) of Minimum Wages Act contended that after six days' work a rest day has to be given to the worker. Section 13(1)(b) reads :

"provide for a day of rest in every period of 7 days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such day of rest."

As per sub-clause (c) of that section, if an employee is made to work on the rest day he has to be paid at overtime rate.

'Employee' mentioned in S-13 (i)(b) is defined in S-2(i) of Minimum Wages Act. It is a wide definition. But it is pointed out by the learned counsel for the management that in order to make S-13 (i)(b) applicable to Scheduled Employment rates of minimum wages in respect of that employment has to be fixed under S-3 of the Act by the concerned government. According to the learned counsel, so far as employment in banks is concerned, the minimum rate of wages is not fixed by the government. Therefore S-13(1)(b) has no application to employment in banks. No notification is produced by the worker to show that minimum rate of wages is fixed in respect of employment in banks. However, according to the learned counsel for the worker, as per Kerala Amendment to the Schedule of Minimum Wages Act, Part-I, though item No. 24 is "Employment in Banks", another item, i.e. item No. 21 'Employment in Shops & Establishments' would also include banks. Therefore according to him even though minimum rate of wage is not fixed in respect of item No. 24, the minimum rate of wages is fixed in respect of 'shop' in item No. 21 (shops and establishments). That is enough compliance with S-13 (i) read with S-3 of the Act for banks also. If so, the management is bound to provide a paid holiday in a week to every employee.

14. 'Shop' is defined under S-2(15) of 'The Kerala Shops and Commercial Establishments Act, 1960' as follows :

"Shop' means any premises where any trade or business is carried on or where services are rendered to customers, and includes offices, store rooms, godowns or warehouses, whether in the same premises or otherwise, used in connection with such trade or business but does not include a commercial establishment or a shop attached to a factory where the persons employed in the shop are allowed the benefits provided for workers under the Factories Act, 1948 (Central Act 63 of 1948)."

The definition may take in services in banks as well. But the learned counsel admits that the banks are exempted as per S-5 from the entire provisions of The Kerala Shops and Commercial Establishments Act, by S.R.O. 980/81 and S.R.O. 501/82. However, according to the learned counsel the exemption is from statutory liabilities and not from the purview of the Act. It is difficult to accept the contention. The exemption is from the operation of the entire provisions of the Act and not certain provisions of the Act. Thus no part of the Act is applicable to banks. It is not correct to say that the definition of 'Shop' under The Shops and Commercial Establishments Act is applicable while other provisions are not applicable. Assuming for the sake of argument that the definition of 'Shop' includes banks also still minimum rate of wages fixed for shops coming under item 21 of the Scheduled Employment of Minimum Wages Act, cannot be treated as minimum rate of wages for

employment in item No. 24. A minimum rate separately for item No. 24 has to be fixed. That alone will be in compliance with S-13 (i) of the Act. Since the latter provision is not complied with, the bank is not obliged to provide a paid holiday per week to the worker. Hence Sundays cannot be counted as days actually worked for the purpose of S-25B of I.D. Act.

15. In the present case, it is an admitted fact that the worker was not paid for Sundays and holidays. The continuous service of 12 months preceding termination begins from April 1993 to March 1994. It is admitted by management that the worker had worked 218 days during this period. This is excluding Sundays and holidays. During 1983 to 1992 she had been working on an average 12 days per year. From 1-1-1993 to 30-6-1993 she had worked only 25 days. It is from July, 1993 to 2-3-1994 that she had worked on all working days as there was no permanent sweeper at that time. Therefore it is not correct to say that she had been working for 11 years continuously. The nature of the work, as shown by the number of days she had worked, reveal that it was mostly during leave vacancy that she was engaged until July 1993. Since she was not in continuous service for 240 days during a period of 12 calendar months preceding her termination, she is not entitled to the benefits of S-25-F of I.D. Act, either for retrenchment notice or consequential benefits in lieu of notice. The question of absorption does not arise at all in view of the decision in Secretary State of Karnataka Vs. Uma Devi (2006) 4SCC 1. Point is answered accordingly.

16. In the result, an award is passed finding that the action of the management in terminating the service of Smt. A. Usha, Part-time Sweeper w.e.f. 3-3-1994 and for not considering her for absorption is justified and legal. The worker is not entitled for any relief. The parties will suffer their respective cost. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 28th day of February, 2007.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Workman :

WW1 : Smt. A. Usha

Witness for the Management :

MW1 : Smt. Latha Sara Daniel

Exhibits for the Workman :

W1 : Photostat copy of representation dated 7-3-1994 submitted by workman to management.

W2 : Photostat copy of Order No. F-3/3/104/07 dated 16-9-1980 issued by M/o Finance.

W2(a) : Approach paper appended to Ext. W2.

W3 : Photostat copy of complaint given to ALC(C) by workman dated 31-3-1994.

W4 : Photostat copy of complaint given to ALC(C) by workman dated 19-3-1994.

W5 : Photostat copy of objection submitted by management before ALC(C) dated 27-4-1994.

W6 : Photostat copy of representation dated 10-5-1994 submitted to ALC(C) by workman.

W7 : Photostat copy of rejoinder filed by management before ALC(C) dated 12-5-1994.

W8 : Photostat copy of letter dated 20-5-1994 given to ALC(C) by workman.

W9 : Photostat copy of letter dated 31-5-1994 given to ALC(C) by workman.

W10 : Photostat copy of Minutes of Conciliation Proceedings before ALC(C) dated 31-5-1994.

Exhibits for the Management :

M1 series (12 Nos.) : Vouchers

नई दिल्ली, 13 मार्च, 2007

का.आ. 940.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स यू.टी.आई. एम्.सी. (प्रा.) लि. के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, मुम्बई के पंचाट (संदर्भ संख्या 20/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-3-2007 को प्राप्त हुआ था।

[सं. एल-12011/293/2003-आई आर (बी-II)]

राजिन्द्र कुमार, डेस्क अधिकारी

New Delhi, the 13th March, 2007

S.O. 940.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 20/2004) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Mumbai as shown in the Annexure in the Industrial Dispute between the management of M/s UTI AMC(P) Ltd. and their workmen, which was received by the Central Government on 13-3-2007.

[No. L-12011/293/2003-IR(B-II)]
RAJINDER KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 1, MUMBAI****PRESENT:**

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-20 of 2004

PARTIES:Employers in relation to the management of
Unit Trust of India (AMC) Pvt. Ltd.

And

Their Workmen

APPEARANCES:

For the Management : Ms. N. Menon, Adv.

For the Association : Mr. K.L. Deshpande, Legal
Advisor

State : Maharashtra

Mumbai dated the 27th day of February 2007

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-12011/293/2003-IR (B-II) dated 11-3-2004. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Unit Trust of India in changing the service conditions without issuing a notice of change under Section 9(A) of Industrial Disputes Act, 1947 to the proposed changes relating to grant of Housing Loan, Provident Fund, Contribution and reimbursement of course fee etc. is legal and justified? If not, what relief is the workman/Union entitled to?"

2. In the instant reference, there was four grievances of All India Unit Trust Employees Association for the workmen, out of which three demands are not pressed in this reference. The only demand which remains to be considered is as to whether discontinuance of leave encashment to the workmen is legal and justified?

3. The contention of the Union is that since the inception of Unit Trust of India, the workmen were entitled to encash accumulated ordinary leave which was modified from time to time. On 31-5-2001, the Unit Trust of India issued an administrative circular 22/2001-01 under the title "Staff-Workmen encashment of ordinary leave". Thereafter Parliament enacted UTI (Transfer of Undertaking & Repeal) Act, 2002 which came in force on and from 29th day of October, 2002. Section 6(1) of the above referred Act

specifically provides that an officer or, as the case may be, other employee of the specified company and shall hold his office or service therein by the same tenure, at the same remuneration, upon the same terms and conditions, with the same obligations and with the same rights and privileges as to leave, leave fare concession, welfare scheme, medical benefit scheme, insurance, provident fund, other funds, retirement, voluntary retirement, gratuity and other benefits as he would have held under the Trust. Moreover Item No. 5 of Fourth Schedule of Industrial Disputes Act, 1947 is related with wages and holidays. In blatant contravention of provisions of Section 6(1) of the Repeal Act, 2002 and Section 9(A) of the Industrial Disputes Act, 1947 management had issued Circular on 17th January, 2003 temporarily discontinuing encashment or ordinary leave. Shri P.H. Mirikar, Asstt. Labour Commissioner (Central-I) Mumbai was pleased to hold conciliations from time to time and recorded the minutes and informed Ministry of Labour, Govt. of India vide his letter Ref. No. B.ALC-HI/8(63)/2003 dated 18th November, 2003 as follows :

"Finally management stated that the leave encashment facility will be continued and all workmen will be paid leave encashment, Union agreed with the statement of management."

In spite of giving solemn assurance before Asstt. Labour Commissioner (Central-I) Mumbai, management has not sanctioned and paid leave encashment of ordinary leave to any workmen so far.

4. The Management of UTI Asset Management Company Pvt. Ltd. (Employer) contended that the facility of leave encashment is not covered by 4th Schedule to the Industrial Dispute Act (hereinafter referred to as the Act) and hence, there was no need of issuance of Notice under Section 9-A of the Act.

5. The Union filed the affidavit of Shri. Eeshwar Gurnasinghani in lieu of his examination in chief. He has been cross examined by the learned counsel for the management. The management filed the affidavit of Shri R. Subramanyam, Vice-President in Human Resource Development Department with the management in lieu of his examination in chief. He has been cross examined by the learned counsel for the workman.

6. I have heard the learned counsel for the parties and gone through the record. I have also perused the written submissions filed by the learned counsel for the parties.

7. Section 9-A of the Act is quoted below :

9-A. Notice of Change : No employer, who proposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change :

(a) without giving to the workman likely to be affected by such change a notice in the

prescribed manner of the nature of the change proposed to be effected; or

- (b) within twenty-one days of giving such notice :

Provided that no notice shall be required for effecting any such change :

- (a) where the change is effected in pursuance of any (settlement or award); or
- (b) Where the workmen likely to be affected by the change are persons to whom the Fundamental and Supplementary Rules, Civil Services (Classification, Control and Appeal) Rules, Civil Services (Temporary Service) Rules, Revised Leave Rules, Civil Service Regulations, Civilians in Defence Service (Classification, Control and Appeal) Rules or the Indian Railway Establishment Code or any other rules or regulations that may be notified in this behalf by the appropriate Government in the Official Gazette, apply.

The IVth schedule regarding conditions of service for change for which notice is required is quoted below :

- (1) Wages, including the period and mode of payment.
- (2) Contribution paid, or payable, by the employer to any Provident fund or pension fund or for the benefit of the workmen under any law for the time being in force;
- (3) Compensatory and the other allowances;
- (4) Hours of work and the rest intervals;
- (5) Leave with wages and holidays;
- (6) Starting, alteration or discontinuance of shift working. Otherwise than in accordance with standing orders;
- (7) Classification by grades;
- (8) Withdrawal of any customary concession or privilege or changing usage;
- (9) Introduction of new rules of discipline, or alteration of existing rules, except in so far as they are provided in standing orders;
- (10) Rationalisation, standardization or improvement of plant or technique which is likely to lead to retrenchment of workmen;
- (11) Any increase or reduction (other than casual) in the number of persons employed or to be employed in any occupation or process or department or shift, (not occasioned by circumstances over which the employer has no control).

8. It is the admitted position that the workmen under reference were the workmen of UTI who were enjoying facility of leave encashment since its inception. It is the admitted position that in the year 2002 parliament passed an enactment UTI (Transfer of Undertaking & Repeal Act of 2002). It further admitted that as per Section 6(1) of the UTI (Repeal Act) read with notification No. S.O. 40 (E) dated January 15, 2003 all the officers and employees of UTI became employees of the UTI Asset Management Company Private Limited with effect from 1st February 2003, the appointed day of the Repeal Act, upon the same terms and conditions.

Now UTI Asset Management Pvt. Ltd. is a Company registered under the Companies Act which is operating in the mutual funds industry competing with various mutual funds including multinational funds and governed by the regulations of Securities and Exchange Board of India (Mutual Fund Regulation 1996). By means of Administrative circular No. 22/00-2001 dt. 31-5-2001 issued by the erstwhile United Trust of India, the existing scheme of encashment of ordinary leave for workmen has been revised which provides that : By the said Administrative Circular Number 22/2000-2001 dated May 31, 2001, staff members, who had completed three years of continuous service may encash, once in a calendar year, a minimum of 10 days and the maximum of 50% of their Ordinary leave, ensuring a balance of one month Ordinary leave and on the date of encashment. It was further set out in the said administration circular, that the staff members need not to proceed on Ordinary Leave for encashment.

This scheme was also made applicable to the workmen under reference. Several regulations have been issued by Office in this respect for availing leave and its encashment. It is the admitted position that the workmen had been availing the facility of leave encashment which has now been withdrawn.

9. The question for consideration is as to whether the facility of leave encashment could be withdrawn without issuance of Notice under section 9-A of the Act.

10. I feel that facility of leave encashment amounts to service conditions and its withdrawal amounts to change in service conditions. It is fully covered by sub-clause 5 Leave with wages and holidays and sub clause 8 withdrawal of any customary concessions or privilege. The facility of leave encashment could be withdrawn by the management only after issuance of notice under section 9-A and since the mandatory compliance of the provisions of Section 9-A of the Act is not there, it is illegal.

11. The learned counsel for the management placed before me the following six rulings :

- (i) Indian Oxygen Limited versus Udaynath Singh, Reported in 1970 (2) LLJ 413 (SC);

- (ii) L. Robert D'Souza versus Executive Engineer, Southern Railway reported in 1982(1)SCC 645;
- (iii) Harmohinder Singh versus Kharga Canteen, Ambala Cantt. Reported in (2001) 5 SCC 540;
- (iv) Hindustan Steel Works Construction Limited versus Employees Union reported in (2005) 6 SCC 725;
- (v) Voltas Switchgear Plant Employees' Union versus Voltas Switchgear Limited reported in (2001) 2 Bom C.R. 299 and
- (vi) B.J. Shetty versus Air India reported in (2000) 4 Mah L.J. 274 and submitted that there was no need of any issuance of notice under section 9-A of the Act since the facility of leave encashment is not covered by aforesaid sub clause 5 and 8 of IV schedule of the Act.

12. I have gone through the aforesaid six rulings and find that none of them is helpful to the management in showing that the facility of leave encashment could be withdrawn without issuance of notice. In the case of Indian Oxygen Limited (supra) the facility of selling carbide drums to its employees at concessional rates was not considered to be one of the conditions of service and hence its withdrawal was not found to be breach of the service conditions which is not the case here. In the case of Hindustan Steel Works (Supra) the Honourable Supreme Court held that wherein a particular practise or allowance or concession had become conditions of service under Section 9-A would always depend upon the facts and circumstances of each case and no general rule could be laid down in this case. The Honorable Supreme Court observed that it was a question of fact which could be decided only in the reference under Section 10 of the Act and not Article 226 of the Constitution of India. Hence, it is not helpful to the management over here. The case of Harmohinder Singh (supra) does not help on the facts and circumstances of the case because that was a case for termination. The case of Robert D'Souza (supra) was with respect to retrenchment which is quite different to the facts of the instant reference. In the case of B.J. Shetty (supra) the Voltas Switch Gear (Supra) are apparently distinguishable on the facts of the present case. They do not serve any purpose. In view of the above, none of the lay cited by the learned counsel for the management is helpful in showing that the withdrawal of the facility of leave encashment was not covered vide sub clause 5 and 8 of the IV schedule of the Act. My considered opinion is that the withdrawal of the facility of leave encashment could be made only after issuing Notice under section 9-A of the Act. Since it has not been complied with and the withdrawal is illegal and it is not enforceable under the law.

13. Before parting with the matter, I may add that the conduct of the management in retracting the admission

made by it before the concerned Conciliation Officer, Asstt. Labour Commissioner, (Central) I Mumbai, Mr. P.H. Mirikar, is not appreciable whereby the proceedings were recorded as, "Finally, management stated that leave encashment facility will be continued and workmen will be paid leave encashment. Union agreed with the statement of the Management." I do not find any justification for saying now by the management that such type of statement was never given by the management before the Conciliation Officer and the proceedings were recorded wrongly. There appears to be no justification for the learned Conciliation Officer to record the proceedings incorrectly and thereby giving the impression that the management finally agreed to leave encashment facility.

14. Hence, I conclude that withdrawal of leave encashment is illegal and unjustified being in violation to the Section 9-A of the Act.

15. An Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 15 मार्च, 2007

का.आ. 941.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अधिनियम न्यायालय नं.-1, नई दिल्ली के पंचाट (संदर्भ संख्या 15/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-3-07 को प्राप्त हुआ था।

[सं. एल-42012/208/99-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2007

S.O. 941.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2000) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of All India Radio and their workman, which was received by the Central Government on 15-3-2007.

[No. L-42012/208/99-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE SHRI SANT SINGH BAL, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, NEW DELHI

I.D. NO. 15/2000

In the matter of dispute between :

Shri Harish Kumar S/o Shri Ran Singh,
House No. 12, Village & P.O. Majra Dabas,
Kanjhawala, Delhi-110081.

Workman

Versus

Executive Engineer, (Civil),
CCW, All India Radio,
Division No. 1, Pushpa Bhawan,
New Delhi-110 081

.....Management

APPEARANCE:

Workman in person

None for management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/208/99/IR (DU) dated 27-01-2000 has referred the following industrial dispute to this Tribunal for adjudication:—

“Whether in the circumstances of the case Shri Harish Kumar, ex-beldar in Division No. 1 of CCW, All India Radio, New Delhi is eligible for regularization in services as per the scheme for casual labourers (Grant of Temporary Status & Regularisation)? If yes, to what relief the concerned workman is entitled?”

2. Vide corrigendum dated 8-7-2002 the term of reference was amended as under:

“Whether the circumstances of the case Shri Harish Kumar, ex-beldar in Division No. 1 of CCW, All India Radio, New Delhi is eligible for regularization in services as per the scheme for casual labourers (Grant of Temporary Status & Regularisation)? If yes, to what relief the concerned workman is entitled?”

3. Brief facts of this case as culled from record are that the workman claimed in his claim statement that he had been working with the respondent management as casual worker on muster roll basis w.e.f. 1-8-84 till 10-8-98 without any break and any leave. His services were terminated w.e.f. 1-8-98 illegally in contravention of the relevant rules vide letter dated 28-10-73. He was entitled to temporary status of casual labour as per rules. His juniors are still working with the respondent. He is entitled for the arrears as per 5th Pay Commission Interim Relief, report, O.T.A. and Bonus etc. He requested to be reinstated with full back wages and payment of arrears as per 5th Pay Commission, Interim Relief, O.T.A. alongwith bonus.

4. The claim has been contested by the respondent management by filing reply/written statement stating therein that he was engaged on muster roll, on work charge basis as beldar on 1-4-98 for specific work and the work completed on 4-3-98 and his services were disengaged w.e.f. 4-3-98 giving him one month notice as per provisions of I.D. Act. He approached A.L.C. for settlement and the case was settled by the A.L.C. and copy of the settlement is enclosed as annexure ‘A’ and as per settlement dated 7-8-98 he was paid Rs. 26652 towards wages w.e.f. 11-4-98 to 10-8-98 including, wages of one month in lieu of one

month notice and retrenchment allowance under Section 25(1) Industrial Disputes Act. The payment was duly received by the claimant. Photocopy of the receipt of payment is enclosed as annexure II. Claimant was not given temporary status as the scheme pertaining to temporary status applies to casual worker engaged prior to 1-9-93 the claimant was engaged against the work i.e. work charge basis on 1-8-94 which is not a cut off date according to the Department of Personnel Memorandum dated 10-9-93 copy of which is Annexure III. The seniority list for the Beldars is being maintained Division wise and no junior person than the claimant has been engaged in the division of the respondent. The scheme to regulate the casual labour has been formulated by Department of Personnel and Training dated 10-9-93 but for those who were engaged prior to 1-9-93 against the regular post, but the claimant was engaged as Beldar on Work Charge basis for specific work on 1-8-94 and is not entitled for the benefit of Vth Pay Commission recommendation. Claimant was also informed by the respondent that in case of any vacancy available in future in this Division, the name of the Claimant shall be considered for the same. The case was settled amicably on 7-8-98 in the chamber of Assistant Labour Commissioner.

5. Written statement was followed by rejoinder wherein workman refuted controverted allegations and reiterated his claim whereafter the case was posted for evidence of the workman. Workman examined himself as WW1 and closed his evidence. The case was then posted for evidence of the management on 29-8-06, 23-11-06 & 29-1-2007. Management failed to adduce evidence despite last opportunity on 29-1-2001 when it was proceeded ex parte whereafter the matter was posted for arguments.

6. I have heard the workman and perused the record and the documents placed on record.

7. It is evident that the workman worked with the respondent. He claimed that he was engaged on casual basis but the management denies. According to the management he was engaged as claimed but admits that he was engaged for specific purpose and his services were disengaged on completion of work on 4-3-98 as per provisions of the I.D. Act after giving him one month notice or notice pay. Workman filed affidavit in evidence and examined himself as WW1. In his cross-examination he admitted that he was retrenched by the management on 10-4-98 and before retrenchment he was given one month's notice Ex. WW1/11. He also admitted during cross-examination that he was paid back wages and compromise Ex. WW1/7 was recorded in the court and that he was given one month's retrenchment compensation in lieu of notice alongwith back wages and he admitted to be correct that he was engaged on muster roll. The workman is not entitled to temporary status and regularization as contained in letter dated 10-9-93 which is Annexure III of the reply as according to said scheme the temporary status is available

to the workman if the workman has worked for more than one year in view of the letter dated 10-9-93 i.e. to say according to the said letter workman is entitled to temporary status if he has worked for more than one year obviously from the date of issue of letter dated 10-9-93. In the instant case admittedly as per his own claim he was engaged on 1-8-94 as casual labour on muster-roll basis. It is evident that he has not worked before 10-9-93 the date of the letter annexure III. As such the workman is not entitled to the temporary status and regularized scheme as contained in Annexure III letter dated 10-9-93. From his deposition in the cross-examination it is evident that the workman's services were terminated in view compromise and that his services were retrenched and he was paid retrenchment compensation of the notice period. In my view his services have been retrenched under provisions of Section 25-F of the I.D. Act and he is not entitled to be retained and regularized in service as claimed. Reference is answered accordingly. File be consigned to record room.

Further it is ordered that the requisite number of Copies of this award be forwarded to the Central Government for necessary action at their end.

Dated : 28-2-07 S. S. BAL, Presiding Officer

नई दिल्ली, 15 मार्च, 2007

का.आ. 942.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम फैक्ट्री के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-I, मुम्बई के पंचाट (संदर्भ संख्या सी जी आई टी-84/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-3-07 को प्राप्त हुआ था।

[सं. एल-40011/14/2004-आई आर (डी यू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 15th March, 2007

S.O. 942.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-84/2004) of the Central Government Industrial Tribunal-cum-Labour Court, No. I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Factory and their workman, which was received by the Central Government on 15-03-2007.

[No. L-40011/14/2004-IR(DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT:

Justice Ghanshyam Dass, Presiding Officer

Reference No. CGIT-84 of 2004

Parties ;

Employers in relation to the management of Telecom Factory

And

Their Workmen

APPEARANCES :

For the Management : Mrs. Seema Chopda, Adv.

For the Union : Mr. J. P. Sawant, Adv.

State : Maharashtra

Mumbai dated the 01st day of March, 2007

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour, New Delhi Order No. L-40011/14/2004 (IR) DU dated 04-11-2004. The terms of reference given in the schedule are as follows :

"Whether the action of the management of Telecom Factory, Mumbai in modifying the Memorandum dated 6-4-2000 vide Memorandum dated 22-6-2000 without giving any notice/opportunity to the workman Smt. S. N. Kedare regarding fixation of her pay in the pay scale of Rs. 4500-7000 instead of 5000-8000 is just and proper ? If not, 2. Whether the demands of the Union for promotion of Smt. S. N. Kedare from the post of Sr. TOA (G) to the post of SS (OP) with retrospective effect from 16th March, 2000 and payment of arrears thereof, is just and proper ? If so, to what relief the workman Smt. S. N. Kedare is entitled to ?"

2. The statement of claim has been filed by the National Federation of Telecom Employees BSNL Union (hereinafter referred to as the Union) on behalf of the workman Smt. S. N. Kedare, Sr. Telecom Office Assistant General (hereinafter referred to as workman) as the dispute was raised by the Union. The point in dispute is very short. The appointment and promotion of the workman is not disputed. The dispute is with respect to fixation and re-fixation of pay on and after promotion. The workman was promoted vide Office Memorandum dt. 06-4-2000 w.e.f. 16-3-2000 to post of Senior T.O.A. (G) in the pay scale of Rs. 5000-150-8000. The fixation of pay was made accordingly vide Office Order dt. 13-4-2000. Thereafter, vide Office memorandum dt 22-6-2000 the pay scale of promotional post was reduced to Rs. 4500-7000 with effect from the date of promotion i.e. 16-3-2000. The copy of this office memorandum was given to the workman who filed her reply on 19-9-2000 after consulting the Union. In the

meantime, the department implemented the order dt. 22-6-2000 and recovered the excess amount paid to the workman in easy instalments.

3. The contention of the workman is that refixation of pay vide order dt. 22-6-2000 and the recovery there under is illegal because the workman was not given any opportunity of hearing nor any notice was issued to her.

4. The contention of the employee in relation to the management of Telecom factory BSNL, Mumbai (hereinafter referred to as Management) is that the order is not illegal or arbitrary. In fact, there are two grades for promotion. The workman was a Schedule Caste candidate. The promotion of the workman was made under One Time Bound Promotion Scheme to group 'C' staff according to which the promotion in the next higher scale on completion of 16 years of continuous service could be made. For maintaining adequate representation to SC/ST candidates. In the matter of promotion, the management had issued orders to maintain the roster to fill up the post reserved for SC/ST candidates. Since the candidates having completed 16 years of service were not available to fill up the reserved post, the workman belonging to SC/ST candidate and having completed 14 years of service only was promoted under the prescribed rules. The fixation of pay to the scale of Rs. 5000, could be made only on completion of 16 years of service and since the workman had not completed 16 years of service she was not entitled to the promotion scale of Rs. 5000-8000 and instead she was entitled to the pay scale of Rs. 4500-7000. The fixation of pay was wrongly made by the Officer concerned and this mistake was immediately realized by the Management. Accordingly, just after expiry of about three months, the office memorandum dt. 22-6-2000 was issued and the mistake in the fixation of pay scale, was rectified. The promotion of the workman was not withdrawn or modified. In fact, there was a mistake in fixation of pay scale and the same was rectified under intimation to the workman. The question of any illegality or arbitrariness on the part of the Management does not arise. It may also be mentioned that recovery of excess amount which was just about 600 or so was made in easy instalments.

5. The workman filed the affidavit of Shri A. G. Kamble, Circle Secretary of National Federation of B.S.N.L. Union in support of the claim of the workman in lieu of his examination in chief. He has been cross examined by the learned counsel for the management.

6. The management filed the affidavit of Shri V. Narayanan, Asst. General Manager (IE & PPA). He has been cross examined by the learned counsel for the workman.

7. I have heard the learned counsel for the parties and gone through the record. I have also perused the written submissions.

8. The learned counsel for the workman cited before me the case in between Shrikant Chintaman Joshi vs. Pune Municipal Corporation 2006 II CLR 110 (High Court Bombay) wherein the Honourable High Court has held that in the case of wrong fixation of pay and rectification thereafter the Corporation, was not entitled to seek recovery of excess payment made to the employee on account of wrong fixation of pay. The facts of this case are quite different to the facts of the present case. In the aforesaid case, in fact, the employee was fixed the pay as back as in the year 1992 on promotion. The wrong fixation of pay was made at two stages. The employee retired in the year 2002. The mistake in fixation of pay was pointed out by the Audit at the time of finalization of pension and in consequence to that department sought recovery from the retired employee from the Pension benefits and in that case the Honourable High Court of Bombay refused for the recovery from the retired employee.

9. The facts of the present case are different here. It is a apparent case of bonafide mistake on the part of the Officer who wrongly fixed the pay of the workman on promotion in the pay scale to Rs. 5000-8000. In fact, the workman was not entitled to fixation of pay in this pay scale since she had not completed 16 years of service which is not in dispute. The promotion was granted to the workman as a candidate of SC/ST on completion of just 14 years of service and for that promotion there was a different pay scale of Rs. 4500-7000. This mistake was noticed by the management within 3-4 months and accordingly the Office memorandum was issued on 22-6-2000 with a copy of the workman. No fresh notice was required in this respect. The workman knew that the order dt. 22-6-2000 is being passed in accordance with law. However, the workman filed the reply after 3 months on 19-9-2000 and raised legal issues. I feel that the workman can not compel the department for adhering to a bonafide mistake. The excess pay made on account of mistake on the part of the Officer concerned could be well recovered from the workman and there was nothing illegal and more so when it was actually recovered in easy installments from the workman. The recovery is already complete much prior to the instant reference. It is also a admitted position that after completion of 16 years of service, the workman has now been placed in the pay scale of Rs. 5000-8000 and she has been working as such with the Management. The amount in question appears to be a petty amount. In view of the law laid down by the Honourable Supreme Court reported in AIR 2000 SC 2709 Union of India vs. Smt. Sujatha Venkatachalam, the order of recovery of excess pay which was erroneously paid to the employee was legal. Similar is the position in the instant case where the excess pay has been paid to the workman on account of wrong fixation of pay which fact was noticed quickly. The mistake is not such which may have the effect of estoppel on the part of the Management. The action of the management

cannot be said to be illegal or arbitrary in any manner whatsoever. In this view of the matter I don't think it justifiable to direct the Management to re-pay the amount of recovery made from the workman under wrong fixation of pay.

10. Hence, I conclude that the action of the management of Telecom Factory, Mumbai in modifying the memorandum dt. 06-4-2000 vide memorandum dt. 22-6-2000 to the workman regarding fixation of her pay in the pay scale of Rs. 4500-7000 instead of Rs. 5000-8000 is just and proper. Hence, the workman is not entitled to any relief at this juncture.

11. An Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 15 मार्च, 2007

का.आ. 943.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I, मुम्बई के पंचाट (संदर्भ संख्या 32/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-3-2007 को प्राप्त हुआ था।

[सं. एल-12011/75/2002-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th March, 2007

S.O. 943.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.32/2003) of the Central Government Industrial Tribunal/Labour Court - I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 15-3-2007.

[No. L-12011/75/2002-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

PRESENT

Justice Ghanshyam Dass, Presiding Officer

Reference NO. CGIT-32 of 2003

PARTIES;

Employers in relation to the management of State Bank of India

And

Their Workmen

APPEARANCES:

For the Management : Mr. Kilpadi, Adv.

For the Union : Mr. L. V. Palekar, Adv.

State : Maharashtra

Mumbai dated the 22nd day of February, 2007.

AWARD

1. This is a reference made by the Central Government in exercise of its powers under clause (d) of sub section 1 of Section 10 of the Industrial Disputes Act, 1947 (the Act for short) vide Government of India, Ministry of Labour New Delhi Order No. L-12011/75/2002 (IR) B-I) dated 06-6-2003. The terms of reference given in the schedule are as follows:

"Whether the action of the management of State Bank of India, Zonal Office, Panji, Goa in terminating the services of 7 Security Guards as per list attached w.e.f. 15-1-2002 is legal and justified / if not, what relief the workmen are entitled to?"

2. The statement of claim has been filed by Gomantak Mazdoor Sangh through its General Secretary, Shri P. Chankar (hereinafter referred to as Union). It is contended that the State Bank of India (hereinafter referred to as the Bank) is an industry as defined under Section 2(j) of the Industrial Dispute Act (hereinafter referred to as the Act). The establishment of the Bank is covered under the provisions of Goa, Daman and Diu Shops and Establishment Act of 1973 (hereinafter referred to as Shops Act) and the Bank is registered under it. It is alleged that seven security guards (hereinafter referred to as workmen) were posted at the zonal office of the Bank as daily wagers w.e.f. 01-6-2001 on direct rolls of the Bank and prior to that they were working as security guards through a contractor for the last seven to seventeen years without any break. The contract with the contractor was a sham and bogus one and in fact they were the employees of the Bank. Their duty timings were specified in the shift schedule by the Bank and they were under the direct supervision of the Bank. They used to sign the muster-roll maintained by the Bank. They were granted leave by the Assistant Manager Security, advances were also given by the Assistant Manager Security who also exercised disciplinary control over them. The workmen requested for regularization and absorption and wages at par with the regular staff but it was not considered. No appointment letter was issued to the workmen when they were employed by the Bank w.e.f. 01-6-2001. The nature of the work is perennial and they had been working as such for the last seven-seventeen years. They have been turned out from service w.e.f. 15-1-2002 without complying with the provisions of the Act. Their termination amounts to violation of Section 25-F of the Act and hence, it is illegal. The Bank has employed new security guards in the place

of the workmen. The action of the Bank amounts to unfair labour practice.

3. The Bank filed the written statement and did not dispute the facts relating to employment of the workmen by the contractor as alleged, employment by the Bank directly with effect from 01-6-2001 as daily wagers and their termination w.e.f. 15-1-2002. Their contention is that the Union has no locus standi to raise the dispute. The workmen are not entitled to regularization or absorption in service. The workmen did not work for a period of 240 days and hence, there is no violation of Section 25-F of the Industrial Disputes Act. The workmen were employees of Ex-servicemen Security Service Co-operative Society (hereinafter referred to as Contractor) a body registered under the Karnataka Co-operative Societies Act, 1959 for providing Security services with the Bank. The contract was for a specific term which was renewed from time to time and expired lastly on 31-5-2001. The salary and other benefits were paid by the contractor and there was no relationship of employer and employees with the workmen. The provisions of Goa, Daman and Diu Shops Establishment Act, 1973 are not applicable to the Bank and hence, the grievance, if any, should be ventilated before the appropriate authority under the said Act. The plea of the workmen that the contract is a sham and bogus is not tenable.

4. The workmen filed the affidavit of Mr. P. G. Gaonkar, in lieu of his examination in chief in support of its claim. He has been cross-examined by the learned counsel for the Bank. The workmen also filed the affidavits of Mr. Vasant V. Sawal and Ravindra Deolkar in lieu of their examination in chief in support of its claim in the capacity of victim workmen. They have also been cross-examined by the learned counsel for the Bank. The Bank also filed the affidavit of Shri Captain Willi Raj, Assistant Manager Security of the Bank in lieu of his examination in chief. He has also filed the copy of the qualifications required for recruitment of guards and copy of security manual. He has been cross-examined by the learned counsel for the workmen.

5. The workmen have also filed the documents on record to show their employment through the contractor and also to show the direct employment by the Bank.

6. I have heard the learned counsel for the parties and gone through the record. I have also gone through the written submissions filed by the parties.

7. The first point for consideration is as to whether the Union has a right to raise the dispute on the behalf of the workmen. I feel that the statement of Mr. Gaonkar is sufficient to draw the inference that the Union has got the authority to raise the dispute. It had raised the dispute before the Conciliation Officer also. The workmen are the members of the Union. The plea of the Bank that the Union has got no locus standi is not tenable.

8. The second and main contention is as to whether the workmen have been illegally terminated. On this point there is no dispute about the facts. The workmen were employed through contractor for the last 7 to 17 years as security guards. The copy of the agreement entered in between the Bank and Ex-Services Security Co-operative Society Ltd. dt. 23-3-1987 has been filed on record by the workmen. The perusal of this agreement goes to show that the security guards were under direct control of the Society. Nothing is brought on record to show that this agreement was renewed from time to time. The Bank has not filed any evidence in this regard. However, it is admitted position that the security guards remained employed through the Ex-Services Security Co-operative Society Ltd. upto 31-5-2001. Hence, the security guards would be deemed to be the employees of the Society and they could not be said to be workmen of the Bank in the eye of law. The contention of the workmen that it is a sham and bogus contract cannot be considered at this juncture since it is not an issue referred under the instant reference and also keeping in mind the law laid down by the Honourable High Court of Delhi in the case of Chhathoo Lal Vs. The Management of M/s. Goramal Hariram Ltd. in Writ petition (C) No. 14191 of 2004 decided on 12-12-2006.

9. Admittedly, the workmen were directly employed by the Bank w.e.f. 01-6-2001 as daily wagers as a humanitarian gesture and prior to finalization of further contract as stated in para 2(b) of the written statement. However, this humanitarian gesture did not last longer and it expired just after about 7½ months since the workmen were terminated w.e.f. 15-1-2002. It is the admitted position that the workmen were employed orally and were dismissed orally. This conduct of the Bank is not appreciable in the eye of law. The Bank should have issued the appointment letters when it was pleased to appoint the workmen on the direct roll of the Bank under its direct control and supervision. The Bank was authorized to keep the daily wagers but the oral appointment is not appreciable for a nationalized bank. However, this lapse on the part of the Bank does not help the workmen to show any violation of the provisions of the Industrial Disputes Act since the workmen admittedly remained in employment of the Bank, for 7½ months only. They did not complete the period of 240 days in the employment of the Bank and hence, there is no violation of the provisions of Section 25-F of the Act.

10. The workmen are not entitled to regularization or absorption with the Bank nor it is an issue referred in the instant reference. The law is settled on the point in view of the law laid down by the Apex Court in the case of Secretary, State of Karnataka Vs. Umadevi AIR 2006 Supreme Court 1806. The rulings relied upon by the learned counsel for the workmen did not help them in view of the ratio of the case of Umadevi (supra) in view of the law laid down by the Honourable Supreme Court in the case of

Steel Authority of India Vs. National Union Water Front Workers and Others 2001(7) SCC 1, the prohibition of employment of contract labour has been over-ruled and hence, the contract labour can be well employed if needed so in view of the exigency of the work.

11. The Bank has tried to show that the workmen under reference could not be employed as security guards since they did not fulfil the required qualifications for it. It is there as none of the workmen appears to have the requisite qualifications to work as security guards but it is not the case of the Bank that the services of the workmen have been dispensed with on account of non-fulfillment of the requisite qualifications. It is also not the case of the Bank that the Bank has recruited afresh security guards after following the rules and procedures of the Bank after calling the applications through employment exchange. The Bank has a right to employ right persons but for it, it is required to follow the procedure prescribed by it. It is definitely not warranted under the law that it relieves the workmen employed by it without following the required procedure and keeps other persons in their place without following the required procedure of recruitment. The Bank has also tried to state for the first time in the evidence that they were not the security guards for the premises of the Bank but they were kept as watchman for the residences of the Officers of the Bank. I feel that this make no difference as to whether the workmen were employed for watching the premises of the Bank or the premises of the Officers of the Bank. It may also be pointed out that the provisions of Goa, Daman and Diu Shops and Establishment Act of 1973 are not applicable to the Bank and hence, the workmen should have ventilated their grievance before the appropriate authority under the said Act. The Bank has not set out the case that it terminated the services of the workmen since their services were not required on account of lapse of work or for expiry of time for which the employment was made. In fact no appointment letters were issued setting out the terms and conditions of employment. Had it been so, the Bank would have been in a position to say that the employment of daily wagers lapsed on the expiry of the term of the employment. It is the admitted position that the zonal office, Panji, Goa of the State Bank of India dismissed the services of the workmen under the instructions of the Head Office which did not appreciate the idea of employment of daily wagers. Still, the Bank has not led any evidence to show that fresh recruitment has either been made or is likely to be made in accordance with the prescribed procedure of recruitment. The contention of the workmen that the Bank has employed new security guards in their place has not been refuted on record.

12. Despite the aforesaid lapses on the part of the Bank the legal position remains that the workmen could not be deemed to be the workmen of the Bank for the period they remained in employment through the contractor as contract was not sham and bogus. They

became the direct workmen of the Bank w.e.f. 1-6-2001 only and worked as such upto 15-7-2002 only meaning thereby they did not complete the period of 240 days and hence, there is no violation of Section 25-F of the Act.

13. The action of the Management of the Bank in terminating the services of the workmen cannot be said to be illegal or unjustified. Hence, the reference is to be dismissed accordingly but the workmen under reference should be employed as daily wagers till the final recruitment in accordance with law by the Bank. The workmen are not entitled for back wages.

An Award is made accordingly.

JUSTICE GHANSHYAM DASS, Presiding Officer

नई दिल्ली, 15 मार्च, 2007

का.आ. 944.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मध्य रेलवे के प्रबंधन के सम्बद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 12/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-3-07 को प्राप्त हुआ था।

[सं. एल-41012/247/2000-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 15th March, 2007

S.O. 944.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2001) of the Central Government Industrial Tribunal/Labour Court, Nagpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Central Railway and their workmen, which was received by the Central Government on 15-3-2007.

[No. L-41012/247/2000-IR(B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/12/2001

Date: 07-03-2007

Petitioner/ Party No. 1 : Shri Bhagwat Rambhau Choudhary,
Through the Vice President, Central
Railway, Local Lokadhikar Samittee,
Vidhyut Loco Shed (Rail Kamgar Sena),
Dist, Jalgaon.

Respondent/ Party No. 2 : The Divisional Railway Manager,
Central Railway, Bhusawal.

AWARD

Dated : 7th March, 2007

1. The Central Government after satisfying the existence of disputes between Shri Bhagwat Rambhau Choudhary, Through The Vice President, Central Railway, Local Lokadhikar Samittee, Vidhyut Loco Shed (Rail Kamgar Sena), Dist. Jalgaon Party No. 1. The Divisional Railway Manager, Central Railway, Bhusawal Party No. 2 referred the same for adjudication to this Tribunal vide its Letter No. L-41012/247/2000-IR-(B-I), dt. 19-3-2001 under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the Management of C. Railway Bhusawal for not considering the report of the Medical Board in declaring Shri Bhagwat Rambhau Chaudhary in Medically unfit and thus denied compassionate appointment of his son is legal, justified and proper? If not what relief he is entitled to?"

3. The petitioner has raised dispute and requested to appoint his son Shri Mahesh Bhagwat Choudhary on a compassionate ground as he has been declared unfit on medical grounds. However, the petitioner on 23-2-2007 requested the court to allow him to withdraw the case as he wants to approach the Hon'ble C. A. T. Accordingly he is allowed to withdraw and the case is disposed off for want of prosecution. Thus its stands as withdrawn for want of prosecution.

Hence this award.

Dated : 7-3-2007

A. N. YADAV, Presiding Officer

नई दिल्ली, 21 मार्च, 2007

का.आ. 945.—केन्द्रीय सरकार संतुष्ट है कि लोकहित में ऐसा अपेक्षित है कि कैंसो नोट प्रेस, नासिक रोड में सेवाओं को जिसे औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 के अन्तर्गत निर्दिष्ट किया गया है, उक्त अधिनियम के प्रयोजनों के लिए लोक उपयोगी सेवाएं घोषित किया जाना चाहिए।

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए तत्काल प्रभाव से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/2/2006-आई आर (पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 21st March, 2007

S.O. 945.—Whereas the Central Government is satisfied that the public interest required that the services in the Currency Note Press, Nashik Road which is covered

by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947), should be declared to be a public utility service for the purposes of the said Act.

Now, therefore, in exercise of the powers conferred by sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares with immediate effect the said industry to be a Public Utility Service for the purpose of the said Act for a period of six months.

[F.No. S-11017/2/2006-IR(PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 22 मार्च, 2007

का.आ. 946.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित है कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (द) के उप-खण्ड (6) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का. आ. 3754, दिनांक 1-9-2006 द्वारा हिन्दुस्तान एरोनाटिक्स लिमिटेड जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 8 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 24-9-2006 से छः मास की अवधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अतः अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 24-3-2007 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. संख्या एस-11017/1/2003-आई आर (पी. एल.)]

गुरजोत कौर, संयुक्त सचिव

New Delhi, the 22nd March, 2007

S.O. 946.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 3754 dated 1-9-2006 the service in Hindustan Aeronautics Limited which is covered by item 8 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 24th September, 2006.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central

Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 24th March, 2007.

[F. No. S-11017/12006-IR(PL)]

GURJOT KAUR, Jt. Secy.

नई दिल्ली, 22 मार्च, 2007

का.आ. 947.—जबकि मैसर्स विप्रो सिस्टम लिमिटेड (इसके पश्चात् प्रतिष्ठान के रूप में उल्लिखित) ने कर्मचारी भविष्य निधि एवं प्रकीर्ण उपबंध अधिनियम, 1952 (1952 का 19) (उप-धारा 17 के अधिनियम के रूप में उल्लिखित) की धारा 17 की उप-धारा (1) के खण्ड (क) के अंतर्गत छूट के लिए आवेदन किया है।

2. और जबकि केन्द्र सरकार के विचार में अंशदान की शर्तों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि निधम, उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कर्मचारियों के लिए कम अनुकूल नहीं है और कर्मचारी, उक्त अधिनियम के अंतर्गत अथवा इस प्रकार के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में कर्मचारी भविष्य निधि स्कीम, 1952 (इसके पश्चात् स्कीम के रूप में उल्लिखित) के अंतर्गत प्रदान किए जा रहे अन्य भविष्य निधि लाभों का भी फायदा नहीं ले रहे हैं।

3. अतः, अब, केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और समय-समय पर इस संबंध में विनिर्दिष्ट शर्तों के अधीन, केन्द्र द्वारा उक्त प्रतिष्ठान को उक्त स्कीम के सभी उपबंधों से प्रभावित से 1-6-1987 से अगली अधिसूचना तक छूट प्रदान करती है।

[संख्या एस-35015/15/2006-एस.डी.जी. II]

एस. डी. जॉर्जियर, संयुक्त सचिव

New Delhi, the 22nd March, 2007

S.O. 947.—Whereas M/s. Wipro Systems Ltd. (hereinafter referred to as the establishment) has applied for exemption under clause (n) of sub-section (1) of section 17 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952) (hereinafter referred to as the Act).

2. And whereas in the opinion of the Central Government, the rules of the provident fund of the said establishment with respect to the rates of contribution are not less favourable to employees therein than those specified in section 6 of the said Act and the employees are also in enjoyment of other provident fund benefits provided under the said Act or under the Employees' Provident Funds Scheme, 1952 (hereinafter referred to as the Scheme) in relation to the employees in any other establishment of similar character.

3. Now, therefore, in exercise of the powers conferred by clause (a) of sub-section (1) of section 17 of the said Act and subject to the conditions specified in this regard from time to time, the Central Government, hereby, exempts the said establishment from the operation of all the

provisions of the said Scheme with effect from 1-6-1987, until the said establishment.

[No. S-35015/15/2006-SS-II]

S. D. XAVIER, Under Secy.

नई दिल्ली, 22 मार्च, 2007

2. और जबकि केन्द्र सरकार के विचार में अंशदान की शर्तों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि निधम, उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कर्मचारियों के लिए कम अनुकूल नहीं है और कर्मचारी, उक्त अधिनियम के अंतर्गत अथवा इस प्रकार के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में कर्मचारी भविष्य निधि स्कीम, 1952 (इसके पश्चात् स्कीम के रूप में उल्लिखित) के अंतर्गत प्रदान किए जा रहे अन्य भविष्य निधि लाभों का भी फायदा नहीं ले रहे हैं।

3. अतः, अब, केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और समय-समय पर इस संबंध में विनिर्दिष्ट शर्तों के अधीन, केन्द्र द्वारा उक्त प्रतिष्ठान को उक्त स्कीम के सभी उपबंधों से प्रभावित से 1-6-1987 से अगली अधिसूचना तक छूट प्रदान करती है।

2. और जबकि केन्द्र सरकार के विचार में अंशदान की शर्तों के संबंध में उक्त प्रतिष्ठान के भविष्य निधि निधम, उक्त अधिनियम की धारा 6 में विनिर्दिष्ट की तुलना में कर्मचारियों के लिए कम अनुकूल नहीं है और कर्मचारी, उक्त अधिनियम के अंतर्गत अथवा इस प्रकार के किसी अन्य प्रतिष्ठान में कर्मचारियों के संबंध में कर्मचारी भविष्य निधि स्कीम, 1952 (इसके पश्चात् स्कीम के रूप में उल्लिखित) के अंतर्गत प्रदान किए जा रहे अन्य भविष्य निधि लाभों का भी फायदा नहीं ले रहे हैं।

3. अतः, अब, केन्द्र सरकार उक्त अधिनियम की धारा 17 की उप-धारा (1) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, और समय-समय पर इस संबंध में विनिर्दिष्ट शर्तों के अधीन, केन्द्र द्वारा उक्त प्रतिष्ठान को उक्त स्कीम के सभी उपबंधों से प्रभावित से 1-6-1987 से अगली अधिसूचना तक छूट प्रदान करती है।

[संख्या एस-35015/15/2006-एस.डी.जी. II]
एस. डी. जॉर्जियर, संयुक्त सचिव

New Delhi, the 22nd March, 2007

S.O. 947.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S. O. No. 3987 dated 26-9-2006 the service in Banking Industry which is covered by item 2 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purposes of the said Act, for a period of six months from the 17th April, 2007.

2. And whereas the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

3. Now, therefore, in exercise of the powers conferred by the Government to sub-clause (vi) of clause (n) of section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a Public Utility for the purposes of the said Act, for a period of six months from the 17th April, 2007.

[F. No. S-11017/5/97-IR(PL)]

GURJOT KAUR, Jt. Secy.